

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21159 of 2018

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Yawar Ali Rizvi S/o Late Syed Mohammand Kazim Rizvi, R/o Village-
Paighambarpur Kolhua, Post Office- Paighambarpur Kolhua, Pollce Station-
Yahiyapur, District Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeet Kumar, Advocate
For the Respondent/s	:	Mr.Sanjay Kumar, AC to GP-23
for the BRA	:	Mr. Zakir Haider, Advocate.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-01-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the BRA, Bihar

University.

Petitioner who retired from the post of routine clerk
with effect from 30.06.2014 from Laxmi Narayan Collega,
Bhagwanpur under the BRA Bihar University, Muzaffarpur
(hereinafter referred to as ‘the University’) seeks payment of
pension from July, 2014, Provident Fund, leave encashment and
gratuity along with interest at the rate of 12% on the admitted
dues on the date he became entitled to his pensionary benefits.

A counter affidavit has been filed on behalf of the
University stating therein that pension along with arrears has
already been paid to the petitioner which has not been disputed
by the petitioner. So far as leave encashment and gratuity is



concerned, it has been stated in the counter affidavit filed on behalf of respondent nos.3, 4 and 5 in para para-8 that leave encashment of Rs.2,31,400/- and Rs.231400/- towards payment of gratuity has been sent to the treasury for payment. The petitioner submits that no payment on the said account has been received by him. So far as provident fund is concerned, it has also not yet been paid to the petitioner. He further submits that the petitioner is a retiree in the year 2014 yet his retiral benefits have not been paid for which he is entitled to interest and refers to a Division Bench order of this Court in the case of Krishna Kant Sinha v. The State of Bihar & Ors. Since reported in 2019(1) PLJR 46 specially para-6.2.(ii)

Considering the submission of the parties and the statement made in the counter affidavit filed by the University, the Treasury Officer, Muzaffarpur is directed to release payment of the bills sent by the BRA University on 26.12.2018 within a period of one month from the date of receipt/production of a copy of this order.

So far as the GPF is concerned, the respondent no.6 the Principal, Laxmi Narayan College, Bhagwanpur, Vaishali is directed to calculate the GPF amount and make payment of the entire GPF amount of the petitioner within three months from



the date/production of a copy of this order. The Vice Chancellor, the Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur Respondent No.4 will look into the aspect of payment of interest for the delay in payment of retiral dues in accordance with the order passed by the Division Bench of this Court in the case of Krishna Kant Sinha vs. The State of Bihar & Ors(supra) in the light of para 6.2(ii) and pass a speaking order within a period of three months from the date of receipt/production of a copy of this order.

Writ application is disposed of accordingly.

(Nilu Agrawal, J)

B.Kr./-

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