

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2683 of 2019

Shahid Ahmad S/o Late Rahimuddin Ahmad resident At and P.O.- Satmalpur,
Via- Samastipur, P.S. Barisnagar, District- Samastipur, a superannuated as
Senior Lecturer Department of Physics, A.P.S.M. College, Barauni, District-
Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department Government of Bihar, Patna.
3. The Vice Chancellor, Lalit Narayan Mithila University, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Darbhanga.
6. The Principal, A.P.S.M. College Barauni, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh, Adv.
For the Respondent/s : Mr.Madanjeet Kumar (GP-20)
Mrs.Binita Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 30-09-2020 Following are the reliefs which the petitioner has
sought in the present writ application :-

“(i) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondent authorities to fix full pension of the petitioner in the light of law laid down by the Hon’ble High Court in CWJC No. 1460/2016 judgment dated 14.02.2017 by which it has been decided that the University employees retired after 01.04.2007 are



entitled to get full pension on account of completion of 20 years of service and payment of other terminal dues on the basis of last pay point Rs. 35,050/- such as earn leave, arrears of pension, gratuity, GIC DDA and other admitted dues.

(ii) For a direction for payment of interest on delayed payment as well as harassing the petitioner for approach before the Hon'ble High Court time and again for petty cause."

2. Counter affidavits have been filed on behalf of the State of Bihar and Lalit Narayan Mithila University, Darbhanga. On perusal of the counter affidavits, it transpires and, which is not much in dispute, that the grievance of the petitioner has been substantially redressed.

3. Learned counsel for the petitioner has, however, raised certain objections in relation to payment of amount of gratuity and interest admissible on the Group Insurance amount. According to him, the petitioner has been discriminated against in the matter of allowing interest on the Group Insurance amount. Higher rate of interest has been paid to other employees than what has been paid to the petitioner, he has urged.

4. Considering the dispute, which is being raised on



behalf of the petitioner and developments subsequent to filing of the writ application, as is evident from the averments made in the counter affidavits filed on behalf of the respondents, I consider it just and proper to dispose of the writ application with a liberty to the petitioner to raise his claim before the University in respect of all such payments, which the petitioner claims to be entitled to and have not been paid, by making a representation before the Registrar of the University. The petitioner shall be at liberty to point out his claims against different heads which, according to him, have remained unpaid. The Registrar of the University shall, thereafter, be obliged to consider the said representation and ensure that if any amount is found admissible to the petitioner, after payments which have already been made, as disclosed in the counter affidavit, he shall ensure that the same are paid to the petitioner within a period of three months from the date of filing of the petitioner's representation.

5. It is further directed that if the Registrar is of the view that any of the claims raised by the petitioner in the representation are not acceptable, he shall be obliged to record his reasons and communicate the same to the petitioner within a period of two months from the date of receipt of his



representation along with a copy of the present order.

6. This disposes of this application.

7. It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

8. Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

9. Let steps be taken by the Registry for uploading



of the present order without compromising with the norms of
social-distancing.

(Chakradhari Sharan Singh, J)

Rajesh/-

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