

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23173 of 2018

Ashwini Kumar Choudhary Son of Ramchandra Choudahry Resident of Mohalla-Sonbara Chowk R.N.A. College Road Samastipur, Police Station Muffasil, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner-Cum-Secretary Human Resources Department (Higher Education) Govt. of Bihar, Patna
2. The Director, Higher Education, Govt. of Bihar, Patna.
3. The Lalit Narayan Mithila University, Kameshwar Nagar Darbhanga through its Registrar.
4. The Vice-Chancellor, L.N.M.U. Kameshwar Nagar, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University Kameshwar Nagar, Darbhanga.
6. The Principal, Samastipur College, Samastipur.
7. The Principal, Samastipur College, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar, Advocate

For the State : None

For the University : Ms. Alka Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 08-09-2020

Heard learned counsel for the petitioner and learned counsel for the respondent-University through video conference.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition-

“I. For a direction to the respondents to pay to the petitioner the amount of Group Insurance with 12.5% compound interest.

II. For a direction to the respondents to pay to the petitioner the amount of D.D.A. with 9% interest from the



period of 1982 to 1989 near about Rs. 55,000/-.

III. For a direction to the respondents to pay to the petitioner the amount of unutilised leave encashment near about 80 days on grant of 12 days per year from 27.7.1998 to 31.07.2001.

IV. For a direction to the respondents to pay to the petitioner the amount of penal interest upon the entitled dues amount from the dates they became due till the dates of their respective payment.”

3. Learned counsel for the petitioner at the outset itself admits that group insurance amount has been calculated at Rs. 23,726/- which has since been paid to the petitioner and hence the grievance in this regard stands redressed.

4. Learned counsel for the petitioner therefore confines his prayer with respect to payment of D.D.A. and earned leave. In this regard, he seeks disposal of the writ petition with reference to the statements made in paragraphs 6 and 7 of the counter affidavit filed on behalf of respondent no.3 (appears to have been inadvertently mentioned as respondent no.7).

5. In regard to payment of D.D.A., a statement has been made in paragraph 6 of the counter affidavit that upon receipt of the relevant statement of D.D.A. from the Principal,



Samastipur College, Samastipur, the admitted amount in this regard will be paid without delay.

6. As regards earned leave, it has been stated in paragraph 7 of the counter affidavit that payment of leave encashment has been computed with regard to unavailed earned leave of 99 days amounting to Rs. 96,733/- and the same has been paid to the petitioner. It is stated by the petitioner however that no details of such payment has been stated in the counter affidavit.

7. Learned counsel for the respondent-University appears and has been heard.

8. Having heard the parties and having regard to the stand of the petitioner, the writ petition is disposed of with a direction to the respondent-University to make payment of the admitted amount of D.D.A. after receipt of the concerned statement from the Principal, Samastipur College, Samastipur (respondent no.6). It is further directed that the respondent-University shall supply the details of the payment of unavailed earned leave amounting to Rs. 96,733/- to the petitioner, if paid as claimed, within a period of two weeks hereof. In case the amount has not yet been paid by the respondent-University, the Finance Officer of the University (respondent



no.5) shall ensure that the same is paid to the petitioner within
a period of four weeks from today.

(Vikash Jain, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10. 09.2020
Transmission Date	N/A

