

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4808 of 2020

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Jitendra Nath Singh S/o Late Ram Bahadur Singh Resident of Mohalla-
resident of Library Road, Bakhari, P.S.- Begusarai, District- Begusarai, retired
as Associate Professor in the department of Botany, Co- operative College,
Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Education Department,
Govt. of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Vice- Chancellor L.N. Mithila University, Darbhanga.
4. The Registrar L.N. Mithila University, Darbhanga.
5. The Finance Officer L.N. Mithila University, Darbhanga.
6. The Principal Co- operative College, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Singh, Advocate
For the State	:	Mr.Ashutosh Ranjan Pandey (AAG-15)
For the University	:	Md. Nadim Seraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 24-06-2020 Heard learned counsel for the petitioner and the State

as well as counsel appearing on behalf of the University.

The petitioner retired on attaining age of

superannuation on 30.11.2019.

The grievance of the petitioner relates to fixation of

pension in view of new scale effective from 1.1.2016 and

payment of arrears of pension for the period 1.12.2018 till the

date of payment, gratuity, earned leave, GIC, DDA and other

admitted dues.

Considering the fact that the petitioner retired on



30.11.2019 and his pension has been fixed in the old scale, following dues as stated in para 9 are still unpaid.

(I) Fixation of pension in view of new scale effective from 1.1.2016 issued by the State Govt. contained in resolution No. 15/M.1-20/2018-591 dated 6.3.2019 and payment of arrears of pension thereupon for the period 1.12.2018 till date of payment.

(II) Payment of Gratuity in view of Sub Clause -IV of Clause 7 of resolution No. 592 dated 6.3.2019 by which upper limit of gratuity has been enhanced to Rs. 20 lacs after adjustment of 10 lacs.

(III) payment of earn leave on revised pay point effective from 1.1.2016.

(IV) Amount of Group Insurance @ 12.5% compound interest till the date of payment like other employees in view of judgment reported in 2006(4) PLJR 369.

(V) Amount of DDA @ 9% compound interest till the date of payment like other employees in view of judgment reported in 2006(4) PLJR 369.

(VI) Medical allowance in view of Clause VI of resolution No. 592 dated 6.3.2019.

The writ petition is thus disposed of with the



direction to the respondents to ensure payment of balance amount of post retiral dues to the petitioner in accordance with the decision of this Court reported in 2006(4) PLJR 369 at the earliest preferably within a period of four months from the date of receipt/production of a copy of the order failing which the petitioner would be entitled to 9% interest from the date of filing of the writ petition till the date of actual payment.

In the event the fund available with the University is not adequate to ensure payment, the University may raise demand from the State Government for additional fund which shall be considered by the State Government and appropriate fund may be released on submission of utilization certificate of the previous grant.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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