

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8500 of 2019

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Brij Nandan Prasad Vidyarthi S/o Late Barho Mahto Resident of Village/
Mohalla- Kamruddin Ganj, Bharawpar, P.S. Laheri, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary of Human Resource Department, Govt. of Bihar, Patna.
2. The Secretary of Human Resource Department, Govt. of Bihar, Patna.
3. The Joint Secretary of Human Resource Department, Govt. of Bihar, Patna.
4. The Director, Higher Education, Govt. of Bihar, Patna.
5. The Magadh University, Bodh Gaya, through its Registrar.
6. The Vice- Chancellor, Magadh University, Bodh Gaya.
7. The Registrar, Magadh University, Bodh Gaya.
8. The Finance Officer, Magadh University, Bodh Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj
For the Respondent/s : Mr.Jitendra Kumar Roy 1 (Sc13)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 15-06-2020 Heard learned counsel for the petitioner and the

State.

The petitioner has filed the present writ petition
for the following reliefs:-

- I. For direction to the respondent-authorities to make payment dues amount of post retirement benefit of the petitioner.
- II. For direction to the respondent-authorities to fix new pension pay scale of the petitioner and after retirement of the petitioner got pension on the old basis pay scale from retirement date to till date.



III. For direction to the respondent-authorities to make payment dues amount as leave encashment, P.F. and Gratuity.

IV. For further direction relief/reliefs for which the petitioner is legally entitled after his retirement.”

The petitioner superannuated on 31.5.2014.

In this case a counter affidavit has been filed wherein the respondent-University has categorically stated in para-5 onwards that the petitioner's pension has been revised as 12,865/- in place of 10,440/- with effect from 1.6.2014. In para-7 there is statement that Rs. 2,33,042 has been paid to the petitioner on account of revision of pay scale. In para-8 it is stated that the gratuity was calculated at Rs. 8,49,090/- and Rs. 5,61,239/- has been paid as against 8,49,090/- after adjustment of the employee's contribution of Rs. 75,579/-. The remaining amount of gratuity of Rs. 2,12,272/- is to be released after the issuance of pay verification certificate by the State Government. In para-10 there is statement that leave encashment has been calculated and petitioner has been paid Rs. 5,35,641/- and final withdrawal of PF amount has already been paid on 12.8.2018.

Considering the aforesaid stand of the respondents in the counter affidavit, the writ petition is disposed of with a direction to the University to ensure payment of rest amount of gratuity within a period of one month from the date of



receipt/production of a copy of this order.

In the event the petitioner has any grievance as to error in calculation or any other post retiral dues not properly dealt with, liberty shall be available to the petitioner to represent the University along with a copy of this order and the Vice-Chancellor of the University shall pass reasoned and speaking order within a maximum period of three months from the date of receipt of such representation along with a copy of this order and ensure payment of any amount which is found payable to the petitioner within the aforesaid time frame.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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