

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9539 of 2019

Prof. Ram Mohan Sinha Son of Late Jagannath Prasad Resident of-Ashok Nagar, P.S and Dist.-Khagaria, retired as University Professor from Koshi College, Khagaria. Petitioner/s

Versus

1. The State of Bihar
2. The Principal, Secretary Education Department, Govt. of Bihar, Patna.
3. The Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur.
4. The Registrar, T.M. Bhagalpur University, Bhagalpur.
5. The Finance Officer, T.M. Bhagalpur University, Bhagalpur.
6. The Principal Koshi College, Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh
For the Respondent/s : Mr.Jitendra Kr. Roy 1 (Sc13)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

7 15-06-2020 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State as well as University.

2. Learned counsel for the petitioner submits that the petitioner has been granted the benefit of retiral dues but he has not been paid the benefit of a retired professor.

3. It appears from the counter affidavit that the petitioner has been paid the following dues. Sub-para- **a** to **d** of the counter affidavit is quoted below:-

“a) The respondent University has calculated the admissible dues of the petitioner under head as Rs. 2,84,101/- for the period from 01.07.2014 to January, 2018. Out of the said admissible dues, an amount of Rs. 28000/- has been deducted towards income tax vide cheque no. 038091 dated 27.5.2019 and the balance of Rs. 2,56,101/- has been paid to the petitioner vide cheque bearing no. 038090 dated 27.5.2019.

b) The respondent University has calculated the admissible dues of the petitioner



under this head as Rs. 4,200/- for the period 01.08.2014 to 31.01.2018 and the same has been paid to the petitioner vide cheque no. 038166 dated 30.08.2019.

c) The respondent University has already made the payment of Rs. 11,46,507/- under this head vide cheque no. 005540 dated 05.02.2016 to the petitioner. It is most humbly submitted that the said payment has been made towards earned leave of 259 days which is an admissible earned leave days as per the calculation of the respondent university. The claim of the petitioner that he is entitled for encashment of 293 days leave is not admissible.

d) The respondent University has calculated the admissible dues under this head to be Rs. 37,954/- and the same has been paid to the petitioner vide cheque bearing no. 057596 dated 09.08.2019.”

4. Learned counsel submits that in terms of judgment of the writ court in C.W.J.C. No. 11219 of 2011 as approved in LPA No. 1253 of 2016, the petitioner was entitled to payment of 12.5 per cent interest on GIC which has not been paid to the petitioner.

5. Considering the aforesaid, the writ petition is disposed of with a direction to the University to ensure payment of interest on GIC in terms of judgment of the writ court as well as LPA Court mentioned hereinabove within a period of three months from the date of receipt/production of a copy of this order.

6. The claim of the petitioner is that he has not been



paid the dues as Professor.

7. In view of the above, the University is required to provide calculation chart to the petitioner within a period of two months to demonstrate entire calculation as the University Professor. In the event, the petitioner is not paid the benefit of University Professor, the University shall take corrective measure to ensure payment of post retiral dues as retired University Professor.

8. Correction in this regard may be made by the respondents University within the time frame as indicated hereinabove.

9. In the event, fund of the University is not adequate to make payment to the petitioner, the University can raise demand of additional fund from the State Government and the State Government will consider the demand made by the University so that the dues of the petitioner may be paid within the time frame indicated hereinabove.

10. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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