

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8932 of 2019

Shiva Kumar Prasad Singh, Son of Late Haribansh Narayan Singh, Resident of Village- Usti, P.O.- Bhagwatpur, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Commissioner-cum-Secretary, Human Resource Department (Higher Education) Govt. of Bihar, Patna.
3. The Joint Secretary, Govt. of Bihar, Patna.
4. The Director, Higher Education, Govt. of Bihar, Patna.
5. The Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur through its Registrar.
6. The Vice-Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
7. The Finance Officer, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
8. The Finance Auditor, Bihar Govt. Camp Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
9. The Pension Officer, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
10. The Principal S.R.P.S. College, Jaitpur, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar

For the Respondent/s : Mr.Kameshwar Kumar (Gp17)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 15-06-2020 Heard learned counsel for the petitioner and the State as well as University.

The present writ application has been filed by the petitioner for the following reliefs:

“(i) For a direction to the respondents to pay to the petitioner the amount of revised gratuity in Admissible Grade Pay Rs. 5400/- entitled in A.C.P./M.A.C.P. Scheme.



(ii) For a direction to the respondents to pay to the petitioner the amount of revised unutilized leave encashment under limit 300 days in Admissible Grade Pay Rs. 5400/- entitled in A.C.P./M.A.C.P. Scheme.

(iii) For a direction to the respondents to pay to the petitioner the amount of part G.I. with 12.5% compound interest.

(iv) For a direction to the respondents to pay to the petitioner the amount of arrears of difference of pension from February, 2015 onwards in Grade Pay Rs. 5400/- entitled in A.C.P./M.A.C.P. Scheme.

(v) For a direction to the respondents to pay to the petitioner the amount of D.D.A. with 9% interest from period 1982 to 1989 in accordance with law.

(vi) For a direction to the respondents to pay to the petitioner the amount of difference of arrears/salary from March 1989 to January 2015 on account of A.C.P./M.A.C.P. Scheme.

(vii) For a direction to the respondents to pay to the petitioner the amount of interest of gratuity and pension by the Govt. circular bearing No. P-C-21-16179/3155 dated 07.11.1981 and pay penal interest upon entitle dues from the date they became due till the date of their respective payment.”

Learned counsel for the petitioner submits that the petitioner has retired as Store Keeper. He further submits that the petitioner has not been paid the post-retiral dues as Store Keeper in the light of the judgment of the Apex Court in the case of **State of Bihar and another vs. Sunny Prakash & Ors.**, reported in **(2013) 3 SCC 559**, in which the State of Bihar



as well as University are the party before the Apex Court. He further submits that the judgment of the Apex Court is binding upon the University and in terms of the judgment of the Apex Court in the case of **Sunny Prakash (supra)**, the respondents including the State of Bihar and the University are obliged to grant all the admissible benefit to the petitioner.

Accordingly, the writ application is disposed of with a direction to the University to calculate the entitlement of the petitioner strictly on the line of the judgment of the Apex Court in the case of **Sunny Prakash** preferably within a period of 60 days from the date of receipt/production of a copy of this order and ensure payment of revised pension within a period of one month thereafter.

If the available fund is not adequate to pay the dues to the petitioner, the University shall raise demand from the State Government to provide additional fund, enclosing utilization certificate of previous allotment. The State of Bihar is required to allot additional fund to the University so that payments is made to the petitioner in terms of the judgment of the **Sunny Prakash** within the time frame indicated herein above.

(Anil Kumar Upadhyay, J)

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