

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10436 of 2019

Dr. Yadubansh Narayan Singh Son of Jang Bahadur Singh, Resident of Village- Alalpatti, P.O. D.M.C. Darbhanga, District- Darbhanga, retired University Professor in the Subject of Chemistry, Kunwar Singh College, Laherisarai, Darbhanga under L.N Mithila University, Darbhanga.

... .. Petitioner

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, New Secretariat, 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, Kunwar Singh College, Laheriasarai, Darbhanga.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Shashi Bhushan Singh, Advocate
For the Respondents	:	Smt. Shilpa Singh (GA12)
		Ms. Abhanjalli, AC to GA 12
For the University	:	Mr. Md. Nadim Seraj, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 16-06-2020

Heard learned counsel appearing on behalf of the petitioner; learned counsel appearing on behalf of the State as well as learned counsel for the University.

The petitioner superannuated on 30.11.2015 as University Professor.

Learned counsel appearing on behalf of the petitioner would submit that the petitioner has not been paid the post retiral dues including difference of arrears of salary as



enumerated in paragraph 7 of the writ petition which is quoted hereinbelow for ready reference:-

“7. That after due verification the University fixed the pension of the petitioner and accordingly he is receiving his pension and subsequently he has been paid the amount of gratuity and earn leave but till date following dues has not been considered:

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

(ii) Amount of D.D.A @ 9% compound interest till the date of payment like other employees in view of judgment reported in 2006 Vol-IV PLJR page 369.

(iii) Difference of arrear of salary for the period of 1.1.2006 to 31.3.2010 particularly D.A. HRA amounting Rs.6,70,54/- has not been paid

(iv) Difference of one increment for the period of 01.01.96 to 31.12.2005 amounting Rs. 75,218/-.

(v) Salary of 88 days (strike period) in the light of order of the Hon'ble Lokayukt amounting Rs.79380/-.

(vi) Arrears of Medical Allowance at the rate of Rs.200/- per month from 1.8.2014 in view of Memo no .2200 dated 30.11.2018.

(vii) Interest on delayed payment.”

Learned counsel appearing on behalf of the University would submit that the petitioner has been paid the substantial dues.

Considering the aforesaid, the writ petition is disposed of with a direction of the respondent-University to provide detailed calculation chart showing payment of entire dues. In the



event the petitioner has not been paid dues as enumerated above, the respondent shall ensure payment of entire post retiral dues. While making payment, the respondent-University would follow the judgment of this Court dated 31.08.2015 passed in CWJC No. 11219 of 2011 which has been affirmed in LPA No. 1253 of 2016 by order dated 11.01.2018 for payment of interest on the GIC. The respondent-University shall ensure payment of entire dues including the interest on the GIC amount at the earliest preferably within a period of three months from the date of receipt/production of a copy of this order. In the event the respondent-University is facing any financial crunch, the University shall raise the claim to the State Government for allotment of fund which shall be released only on utilization of the previous allotment of fund.

With the aforesaid observation and direction, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.06.2020
Transmission Date	N.A.

