

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9935 of 2019

Dr. Baleshwar Roy, son of Late Bal Karan Roy, resident of vill.- Magardahi,
Ward No. 29, P.O. and Distt.- Samastipur, retired as University Professor of
English from B.R.B. College, Samastipur under L.N.M. University,
Darbhanga ... Petitioner/s

Versus

1. The State of Bihar through Principal secretary, Education Department, Govt. of Bihar, New Secretariat, Patna
2. 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 B.R.B. College, Samastipur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh
For the Respondent/s : Smt. Binita Ingh (Sc28)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 16-06-2020 Heard learned counsel for the petitioner and the State as well as University.

The petitioner superannuated on 30.09.2009.

Counsel for the petitioner submits that instead of 300 days earned leave, the petitioner has been paid only 254 days earned leave. So far as interest at the rate of 12.5% per annum on group insurance and interest on amount D.D.A has not been paid. The difference of arrears of salary for the period 01.01.2006 to 30.09.2009, particularly, D.A. and H.R.A. and Medical allowance from August 2014 to till date of payment has not been paid.

Considering the fact that the petitioner superannuated



in 2009, the writ application is disposed of with a direction to the University and the respondent State to ensure payment of the unpaid post-retiral dues of the petitioner within a maximum period of four months from the date of receipt/production of a copy of this order.

While making payments, the respondents are obliged to following the judgment of this Court in C.W.J.C. No. 11219 of 2011 dated 31.08.2015, which was affirmed in L.P.A. Court in L.P.A. No. 1253 of 2016 vide order dated 11.01.2018.

In the event, there is delay in making payment, the petitioner is entitled to interest at the rate of 9% per annum from the date of filing of the writ application i.e. 30.04.2019 till the date of actual payment.

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 within a period of one month from the date of request made by the University so that payments is made to the petitioner.

(Anil Kumar Upadhyay, J)

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