

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18954 of 2018

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Ram Narayan Mandal, Son of Late Mukund Lal Mandal, Resident of
Mohalla- Bahadurpur, Ward No.27, Samastipur, Police Station- Town,
District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner-cum-Secretary, Human Resources Department (Higher Education) Govt. of Bihar, Patna.
2. The Director, Higher Education, Government of Bihar, Patna.
3. The Lalit Narayan Mithila University, Kameshwar Nagar Dabhanga through its Registrar.
4. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar Dabhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar Dabhanga.
6. The Principal, Samastipur College, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar, Advocate
For the Respondent/s : Mr.Madhaw Prasad Yadaw -Gp23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 08-06-2020 Heard learned counsel for the petitioner and the
respondents.

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

“(i) For a direction to the
Respondents to pay the petitioner the amount
of part unutilized leave encashment under limit
300 days without adjust 131 days of strike
period in view of order of Hon’ble Lokayukta
as to get earn leave 473 days entry in service
book (Annexure-1).



(ii) For a direction to the respondents to pay to the petitioner the amount of Group Insurance with 12.5% compound interest.

(iii) For a direction to the Respondents to pay to the petitioner the amount of D.D.A. with 9% interest from the period of 1982 to 1989.

(iv) For a direction to the Respondents to pay the petitioner the amount of 88 days salary of strike period because Respondents has been deducted 88 days salary of the petitioner and rest 43 days of strike period has not been paid to the petitioner as yet.

(v) For a direction to the Respondents to pay to the petitioner the amount of D.A. with H.R.A. from the period of 01.01.2006 to 31.03.2010.

(vi) For a direction to the respondents to pay to the petitioner the amount of Penal interest upon the entitle dues amount from the dates they became due till the dates of their respective payment.”

The petitioner superannuated on 30.06.2015.

During the pendency of the writ application, the respondents have paid the following dues, as is evident from para 6 to 8 of the counter affidavit, which are quoted herein below:

“6. That it is humbly submitted that the petitioner is being paid his monthly



pension. An amount of Rs.34,200/- has been fixed per month and is being paid regularly to the petitioner and in regard to the gratuity of the petitioner, it is humbly submitted that on the basis of the maximum limit Rs. 10,00,000/- has been paid to the petitioner through the Bank advice.

7. That it is humbly submitted that in regard to the final withdrawal of the provident fund of the petitioner, it is humbly submitted that the principal concerned has been directed to make payment to the petitioner.

8. That it is humbly submitted that the recalculation of un-availed E.L. of 274 days has been sanctioned and calculation for payment has also been made pre audited by the State Finance Auditor. A sum of Rs. 13,30,654/- has been found payable. Apart from that calculation for payment of DDA with 9% interest has also been done by the concerned office. On calculation of some of Rs.43,618/- has been found payable. These are pre-audited amounts and are at the stage of submission for sanction at the level of the finance officer. These pre-audited amounts shall be paid on the receipts of Administrative approval.”

Learned counsel for the petitioner submits that in view of the above, the writ application may be disposed of with liberty to the petitioner to file exhaustive representation addressed to the Vice-chancellor of L.N. Mithila University,



Darbhanga, who shall take appropriate decision with regard to redressed grievance of the petitioner.

Considering the aforesaid, the writ application is disposed of with liberty to the petitioner to file exhaustive representation along with a copy of this order before the Vice-chancellor of L.N. Mithila University, Darbhanga, who shall examine the claim of the petitioner and pass speaking and reasoned order after giving opportunity of hearing to the petitioner within a maximum period of 60 days from the date of filing of such representation and ensure payment of the amount, which is admissible to the petitioner within the time indicated above.

(Anil Kumar Upadhyay, J)

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