

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11624 of 2019

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Pramod Kumar Yadav S/o Bindeshwari Prasad Resident of Qtr. No. 4, Tata Godam, Shokhara-02, Ward No. 11, Barauni, Begusarai, retired as Associate Professor in the subject of Zoology, A.P.S.M. College, Barauni, Distt.- Begusarai

... .. Petitioner/s

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 Secretariate, Patna
3. The Vice Chancellor Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga
4. The Registrar Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga
5. The Finance Officer Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga
6. The Principal A.P.S.M. College, Barauni, Distt.- Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh
For the Respondent/s : Mr.Kameshwar Kumar (Gp17)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 17-06-2020 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State as well as the counsel appearing on behalf of University.

Petitioner has filed the present application for the following relief:-

(I) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent to make payment the following dues under different heads:

(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) 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.

(iv) Interest on delayed payment.

(v) Any other admissible dues.

(II) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the petitioner shall be found entitled under the facts and circumstances of the case.

The petitioner retired as University Professor on 31.1.2015.

Learned counsel submits that petitioner has not been paid GIC, DDA and Medical allowance.

Learned counsel appearing on behalf of the University with reference to counter affidavit would submit that the petitioner has been paid Rs. 9,91,471/- towards leave encashment of 300 days. In para-21 of the counter affidavit there is statement that payment of medical allowance has already been paid alongwith other retired employees which is disputed by the counsel appearing on behalf of the petitioner.



It is submitted that the petitioner is entitled to 12.5 % interest in terms of order of this Court in C.W.J..C. No. 11219 of 2011 which was affirmed in LPA No. 1253 of 2016.

Considering the fact that petitioner superannuated on 31.1.2015, the writ petition is disposed of with a direction to the respondents to finally decide the entitlement of the petitioner and pay the balance amount of post retiral dues to the petitioner including interest in terms of decision in C.W.J..C. No. 11219 of 2011 mentioned hereinabove within a maximum period of three months with a copy of calculation chart to the petitioner within the time frame indicated above.

In the event of delay, the petitioner shall be entitled to payment of additional interest @ 9% from the date of filing of the writ application till the date of actual payment.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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