

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18814 of 2018

Devendra Prasad Sharma, Son of Late Shatrudhan Prasad Sharma Resident of
Village Barah Pather, Samastipur, Police Station-Town, District - Samastipur.

... .. Petitioner

Versus

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

... .. Respondents

Appearance :

For the Petitioner	:	Mr.Ranjan Kumar, Advocate
For the Respondents	:	Mr.Prabhakar Jha- GP27
For the University	:	Mr. Nadim Seraj, Advocte

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 08-06-2020 Heard learned counsel appearing on behalf of the

petitioner, learned counsel appearing on behalf of the State as

well as learned counsel appearing on behalf of the University.

The petitioner has prayed for the following reliefs:-

“(i) For a direction to the Respondents to pay to the petitioner the amount of unutilised leave encashment 42 days according to University Memo No. 1461-725/05 dated 01.10.2005, 12 days E.L. per years allowed w.e.f. 27.07.1998 as to get E.L. 125 days entry in service book on the ground of 3 days per years but not entry 12 days per year (Annexure-6).

(ii) For a direction to the respondents to



pay to the petitioner the amount of Group Insurance with 12.5% compound interest in accordance with law.

(iii) For a direction to the Respondents to pay to the petitioner the amount of Part Gratuity in revised scale of lecturer senior scale.

(iv) For a direction to the Respondents to pay to the petitioner the amount of difference of arrear pension from February 2002 to onwards in lecturer senior scale.

(v) 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.

(vi) For a direction to the Respondents to pay to the petitioner the amount of difference of salary from 01.01.1996 to 31.01.2002 on account of revised UGC Scale in lecturer senior scale.

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

Learned counsel appearing on behalf of the petitioner would submit that petitioner retired on 30.04.2002.

The grievance of the petitioner in the writ petition is that he has not been granted promotion as senior lecturer of the University and the University has fixed pension of the petitioner as lecturer in the pay scale of 2200-4000 whereas he is entitled to payment of salary as senior lecturer. Learned counsel further submits that other issue raised in the present writ petition is no more res integra in the case which has been decided by the University itself as evident from the notification dated



12.07.2015 (Annexure-5).

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

Considering the fact that the petitioner superannuated in 2002, the writ petition is disposed of with a direction to the respondents to provide personal hearing to the petitioner in relation of the unredressed grievance of the petitioner within a period of one month. The University will ensure payment of the remaining dues to the petitioner within a maximum period of 60 days the State Government is also required to sanction adequate fund to the University so that admitted dues of the petitioner would be paid within the time as indicated above. In the event, delay in payment, the entire arrears will carry interest at the rate of 9% per annum from the date of filing of the writ petition till actual payment of the dues which shall be borne by the respondents from their own pocket.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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