

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19386 of 2018

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Nirmala Thakur Wife of Shyam Kishor Thakur, Resident of Village-Mohalla-Tajpur Road Gali No.1, Professor Colony, Police Station-Town, District-Samastipur.

... .. Petitioner

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 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, Women's College, Samastipur.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Ranjan Kumar, Advocate
For the Respondents	:	Mr. Madhaw Prasad Yadaw -GP23
For the University	:	Ms. Binita Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 22-06-2020 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 filed the present writ petition for the following reliefs:-

“(i) For a direction to the Respondents to pay to the petitioner the amount of part unutilised leave encashment 297 days under limit 300 days without adjust 131 days of strike period in view of order of Hon’ble Lokayukta as to get earn leave 153 days entry in service book on the



ground of 3 days per year in place of 297 days on the ground of 12 days per year from 27.07.1998 to 30.06.2014 in accordance with law.

(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 near about Rs. 52,071 (Annexure1).

(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 paid to the petitioner as yet (Annexure-2).

(v) For a direction to the Respondents to pay to the petitioner the amount of D.A. with H.R.A. from the epriod of 01.01.2006 to 31.03.2010 near abut Rs. 6,52,458/-.

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

(vii) Any other relief(s) to which the petitioner be deemed entitled.”

Learned counsel appearing on behalf of the petitioner would submit that he would be satisfied if the writ petition is disposed of with a direction to the respondents to decide the representations of the petitioner including the last one dated 12.07.2018.

Considering the aforesaid the writ petition is disposed with liberty to the petitioner to file a fresh representation along with a copy of this order before the Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga and



on filing of representation, the Vice Chancellor shall take appropriate decision in accordance with the judgment of the Apex Court and of this Court in CWJC No.11219 of 2011 which was affirmed by the LPA Court in LPA No. 1253 of 2016 with regard to the claim of the petitioner. The order granting such benefits may be passed by the Vice Chancellor within a period of three months from the date of filing of the representation. If payments are not made to the petitioner within the period stipulated above, the petitioner shall be entitled to interest at the rate of 9% per annum from the date of filing of representation till the date of actual payment.

With the aforesaid observations and directions, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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