

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20066 of 2018

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Bishnudev Prasad Son of Boae Lal Yadav, Resident of Village- Adharpur,
Police Station- Muffasil, 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 Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga through its Registrar.
3. The Vice-Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
4. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Principal, Dr. L.K.V.D. College, Tajpur, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar, Advocate
For the State	:	Mr. S.K.Ranjan, AC to GP-17
For the University	:	Mrs. Archana Palkar Khopde, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 06-10-2020

Heard learned counsel for the petitioner and learned counsel
for the respondents through video conference.

2. The following reliefs as formulated by the petitioner have
been claimed in the writ petition--

*“(i) For a direction to the Respondents to
pay to the petitioner the amount of Part
Gratuity on account of A.C.P./M.A.C.P. Scale
Rs. 9300-34800/- (G.P. Rs. 5400).*

*(ii) For a direction to the respondents to pay
to the petitioner the amount of Part
Unutilized leave encashment under limit 300*



days on account of ACP/MACP Scale Rs. 9300-34800/- (G.P. Rs. 5400).

(iii) For a direction to the respondents to pay to the petitioner the amount of Part G.I. with 12.5% interest.

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

(v) For a direction to the Respondents to pay to the petitioner the amount of difference of pension from April 2015 to February, 2018 on account of ACP/MACP Scale.

(vi) For a direction to the respondents to pay to the petitioner the amount of difference of salary from 1989 to 31.03.2015 on account of ACP/MACP Scale Rs. 9300-34800/-

(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 entire dues from the dates they became due till dates of respective payment.

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

3. At the outset itself, learned counsel for the petitioner submits that payments as claimed have not yet been made to the petitioner and for which a representation dated 11.07.2018



(Annexure-5) had been filed before the Vice Chancellor, Lalit Narayan Mithila University, Darbhanga (respondent no. 3), which is still pending. It is therefore submitted that it will suffice if directions are issued for disposal of the petitioner's representation.

4. Learned counsel for the State and for the University appear and have been heard.

5. Having regard to the nature of the grievance, this Court is of the view that the merits of the claims of the petitioner need not be entered into. The writ petition is accordingly disposed of, granting liberty to the petitioner to file a fresh representation before the Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga (respondent no. 2) for redressal of his grievances. If any such representation is filed within a period of two weeks from today, the same shall be disposed of within a further period of eight weeks thereafter on its own merits in accordance with law after grant of an opportunity of hearing to the petitioner. Payment to the extent found due to the petitioner upon determination shall be made without delay. In case the petitioner's claim is found inadmissible, whether in whole or in part, the petitioner's representation shall be disposed of by a speaking order in that regard.

6. It is also made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made



through e-mail and that the petitioner shall be at liberty to request the concerned authority for hearing through video conference. For this purpose, the petitioner shall furnish his mobile number and e-mail ID to the concerned authority in the representation permitted to be filed as aforesaid.

(Vikash Jain, J)

HR/Ibrar

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07.10.2020
Transmission Date	N/A

