

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 15215 of 2019

1. Krishan Keshav Prasad Sinha S/o Yogendra Prasad Sinha, Resident of At and PO Rohua, PS Warisnagar, Dist.Samastipur
2. Dr Binda Thakur, S/o Late Makko Thakur, Resident of Mohalla Srikrishnapuri, PS and Dist. Samastipur
3. Chandeshwar Prasad Singh, S/o Late Yugalpriya Singh, Resident of Village and Po Dhruvgama, PS Kalyanpur, Dist.Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher Education Department, Govt. of Bihar, Patna
2. The Principal Secretary, Higher Education Department, Govt. of Bihar, Patna
3. The Director Rural Institute of Higher Studies at Birauli, PS Pusa, Dist.Samastipur having its registered office at Birauli, Samastipur.
4. The Accountant General, Veer Chandra Patel Marg, Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr Mrityunjay Kumar
For the Respondent/s	:	Ms Shilpa Singh, GA XII
		Ms Nivedita Nirvikar

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 16-06-2020 The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioners and the respondents.



Petitioners have retired as Teachers/Lecturers from the Rural Institute of Higher Studies at Birauli, Samastipur. Their claim, in the instant writ petition, is for grant of retiral dues. Reliance is placed on a decision of the Division Bench of this Court in LPA No 8 2015 and analogous cases. The petitioners' date of superannuation is 31.01.2009, 31.07.2009 and 01.07.2007 respectively. On the strength of decision of the Division Bench of this Court, learned counsel for the petitioners submits that the Seva Sharta Niyamawali, 2004 and the provisions contained therein cannot be made the basis to deprive the petitioners of their pensionary dues.

In the counter affidavit filed on behalf of Respondent No 2, the State has taken a stand that the Department has decided to frame a policy in view of the directions contained in the order dated 04.02.2019 passed in LPA No 8 of 2015 and analogous cases. Three months' time was sought for the said purpose in the counter affidavit which was filed in November, 2019. When the matter has been taken up today, the State Counsel has no further instructions in the matter. Petitioners' counsel, on the other hand, submits that admissible dues on account of retiral benefits have not yet been paid.

If no payment has been made to the petitioners till



date, this Court would observe that in view of the admitted nature of the claims as per stand in the counter affidavit, the petitioners' due and admissible retiral benefits be paid to them along with a calculation chart, showing details of payment within a period of two months from the date of receipt/production of a copy of this order.

The order is being passed in respect of the petitioners' claim only without having any effect or causing any prejudice to the State to formulate its policy as per its submission in the counter affidavit in accordance with law.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

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