

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19670 of 2018

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Asharfi Ram Son of Late Ram Rup Ram, Resident of Village-Adharpur,
Police Station- Muffasil, District- Samastipur.

... .. Petitioner

Versus

1. The State Of Bihar through Commissioner-cum-Secretary, Human Resources Department (Higher Education) Govt. of Bihar, Patna
2. Director, High Education, Govt. 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 Dr. L.K.V.D, College, Tajpur, Samastipur.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr.Ranjan Kumar, Advocate
For the Respondents	:	Mr.AC to SC 13
For the University	:	Mr. Md. Nadim Seraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 09-06-2020 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

as well as learned counsel appearing on behalf of the University.

The petitioner has filed this writ petition for the

following reliefs:

*“(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. 5200-
20200/- (G.P. Rs.2400).*

*(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. 5200-20200/- (G.P Rs. 2400).

(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 Arrear of Pension from December 2014 to February 2018 on account of A.C.P/M.A.C.P Scale Rs. 5200-20200/-.

(v) For a direction to the Respondents to pay to the petitioner the amount of differential of salary from 1989 to 30.11.2014 on account of ACP/MACP Scale Rs.5200-20200/-.

(vi) 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 and pay penal interest upon the entire dues from the dates they became due till dates of respective payment.

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

This writ petition was filed on 01.10.2018 after serving two copies thereof on learned counsel for the State as well as learned counsel for the University but unfortunately, yet no counter affidavit has been filed.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has retired on 30.11.2014 as a Clerk (L.D.C.) from Dr. L.K.V.D. College, Tajpur, Samastipur under L.N. Mithila University, Darbhanga. Learned counsel further submits that due to recalcitrant attitude of the respondents, the petitioner is suffering adverse monetary loss.



Considering the fact that the petitioner has superannuated on 30.11.2014, the writ petition is disposed of with a direction to the authority of the University to decide the claim of ACP and MACP, if not already decided, within a period of six months from the date of receipt/production of a copy of this order and pay the consequential benefits to the petitioner within a further period of three months.

It goes without saying that the State Government shall release adequate fund to the University so that lawful dues are paid to the petitioner in accordance with order of this Court.

With the aforesaid, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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