

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14186 of 2017

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Md. Anisur Rahman Son of Late Md. Salim Resident of Village-Kasbe Ahar,
P.S.-Tajpur, District-samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Higher Education, Bihar, Patna.
3. The Lalit Narayan Mithila University, Kameshwar Nagar Darbhanga through it's Registrar. null null
4. The Vioce-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.D.V. College, Tajpur, Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar
For the Respondent/s	:	Mr.Smt. Shilpa Singh GA-12
For the University	:	Mr. Md. Nadeem Siraj

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 22-05-2020 Following are the reliefs, which the petitioner is seeking:-

- 1. For a direction to the Respondents to pay to the petitioner the amount of 80% gratuity near about Rs. 7,76,832/- sanctioned vide memo no. 7600/16 dated 19.05.2016 (Annexure-1).*
- 2. For a direction to the Respondents to pay to the petitioner the amount of unutilized leave encashment 300 days under limit 300 days without*



adjust 131 days of strike period and according to the Govt. letter no. 1460 dated 01.01.2005, 12 days E.L. w.e.f. 01.10.1998 to 31.08.2015 and, he will get additional E.L. for 30 days for performing the duty as nonvacational teacher w.e.f. 01.10.1991 to 30.09.1992 vide letter no. 20483-545 dated 23.08.93 (Annexure-2) as total E.L. 336 days entry in service book (Annexure-3).

3. For a direction to the Respondents to pay to the petitioner the amount of part G.I. with 12.5% interest in accordance with law.

4. For a direction to the Respondents to pay to the petitioner the amount of D.D.A. with compound interest from the period of 1982 to December 1985.

5. For a direction to the Respondents to pay to the petitioner the amount of difference of salary from 01.01.1996 to December 2005 due to scale fixed Rs. 14,940/- w.e.f. 01.01.1996 (Annexure- 5) and difference of salary from 01.01.2006 to August 2015 on account of 6th revised U.G.C. Scale.

6. For a direction to the respondent 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.*

The petitioner retired with effect from 31.08.2015 as Associate Professor, in the department of Botany, Dr. L.K.V.D. College, Tajpur, Samastipur, under Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.

Counter affidavit and supplementary affidavit have been filed from which it transpires that pensionary benefits against all heads has been claimed by the petitioner have been cleared.

Learned counsel for the petitioner doesn't dispute the said aspect of the matter. His grievance is now confined to payment of cash equivalent to unutilized Earned Leave for a period of 300 days as according to him, period during which the petitioner and other teaching employees of the University were on strike (131 days) should not be adjusted, while counting the unutilized leave.

It is specific stand taken on behalf of the University that the petitioner has been paid leave encashment of 238 days.



I am of the view, however, that the petitioner cannot claim adjustment of his absence for the period during which he was on strike and had thus absented from work.

Learned counsel for the petitioner has, however, submitted that some similarly situate teachers have given such benefit. However, I am not inclined to accept the said submission.

Since the grievance of the petitioner has been substantially redressed, this application stands disposed of.

(Chakradhari Sharan Singh, J)

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