

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19104 of 2018

Arvind Kumar Jha, Son of Late Harikant Jha, Resident of Mohalla-Bahadurpur Ward No. 27, New Professor's Colony, Samastipur, Police Station - Town, 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 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, Samastipur College, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar
For the Respondent/s : Mr.Ashutosh Ranjan Pandey- Aag15

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 08-06-2020 Heard learned counsel for the petitioner and the respondents.

The petitioner has filed the present writ application for the following reliefs:

“(i) For a direction to the Respondents to pay the petitioner the amount of part unutilized leave encashment 284 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 291 days entry in service book.



(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.

(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 been paid to the petitioner as yet.

(v) For a direction to the Respondents to pay to the petitioner the amount of D.A. with H.R.A. form the period of 01.01.2006 to 31.03.2010.

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

Learned counsel appearing on behalf of respondent nos. 3 to 5 submits that the petitioner has been substantially paid the post-retiral dues. Details thereof is mentioned in para. 4 to 7 of the counter affidavit, which are quoted herein below:

“4. That the pension arrears for the period from 01.09.09 to 31.01.11 sum of Rs. 3,69,291/- have been found payable to the petitioner and is being paid



shortly.

5. That so far as amount of gratuity is concerned the total amount payable to the petitioner was Rs.6,12,355/-. Same has been paid to the petitioner in two installment, Rs. 5,75,430/-has already been paid to the petitioner vide Cheque No. 041178 dated 06/11/11 and a sum of Rs.36,925/- vide Cheque No. 041179 dated 06/11/11 in favour of “Branch Manager, C.B.I., LNMU Campus, Darbhanga”.

6. That a sum of Rs.9,741/- towards payment of Leave Encashment for 7 (seven) days has earlier been made to the petitioner. After re-calculation of the 186 days of unavailed E.L. was found due at his credit in his entire service period. Out of which after adjustment of seven days sanctioned and paid E.L. 179 days remains to be sanctioned. Calculation of 179 days E.L. has also been made by the concerned Department and a sum of Rs.4,56,989/- has been found payable and pre audited by State Finance Auditor.

7. That of DDA with 9% interest has been calculated which come out to be Rs. 48,532/- pre audited by the State Finance Auditor. The same will be paid after completing necessary formalities.”

Learned counsel appearing on behalf of the University submits that in view of the aforesaid, the substantial grievance of the petitioner has been redressed.

Considering the stand taken in the counter affidavit,



the writ application is disposed of with liberty to the petitioner to file representation before the Vice-chancellor of the University, if his any grievance has not been redressed adequately, along with a copy of this order. On filing of such representation, the Vice-Chancellor of the University will give opportunity of hearing to the petitioner and pass appropriate order within a maximum period of two months from the date of filing of such representation and ensure payment of the admissible dues within the time indicated herein above, failing which the amount will carry interest at the rate of 9% per annum from the date of filing of writ application till the date of actual payment.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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