

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25025 of 2019

Prof. Indra Nath Mishra, S/o Late Kamla Kant Mishra, resident of West of District Congress Office, Laheriasarai, Balbhadrapur, Darbhanga, retired as University Professor in the subject of Botany, Post Graduate Department, L.N. Mithila University, Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Vice-Chancellor, Lalit Narayan Mithila University, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Singh
For the Respondent/s	:	Mr.Jitendra Kumar Roy (Sc13)
For the University	:	Mrs. Alka Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 22-06-2020 Heard counsel for the parties.

The petitioner superannuated on 30.06.2017.

The petitioner has filed the present writ petition for
the following reliefs:-

(i) For issuance of an appropriate writ in the nature of Mandamus, Commanding and directing the respondent authorities for fixation of pension in view of new scale effective from 1.1.2016 issued by the State Govt. contained in resolution No.15/M.1-20/2018-591 dated 06.03.2019 and payment of arrear of pension for the period of 1.07.2017 till the date of payment, gratuity in view of Sub Clause-IV of Clause-



7 of resolution No.592 dated 06.03.2019 by which upper limit of gratuity has been enhanced to Rs.20 lacs and also for payment of earn leave, GIC, DDA and other admitted dues payable to the petitioner.

(ii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.

Learned counsel for the petitioner would submit that the petitioner is entitled for payment of Rs.20 lacs as gratuity which has been enhanced by the respondent State with effect from 01.01.2016 vide notification dated 06.03.2019. The petitioner is entitled to earned leave, GIC, DDA and other admitted dues.

Counsel appearing on behalf of the University would submit that the petitioner has been paid substantial amount including GIC and rest would be paid upon availability of the fund by the State Government.

Considering the aforesaid, the writ petition is disposed of with a direction to the respondents to calculate the post retiral entitlement in the light of the judgment of this Court dated 31.08.2015 in CWJC No.11219 of 2011 which has been approved in LPA No.1253 of 2016 and in terms of the decision of the respondents contained in resolution no.592 dated



06.03.2019 and entire payment of post retiral dues must be paid, if not already paid, within a period of three months from the date of receipt/production of a copy of this order, failing which, the petitioner would be entitled to additional interest of 9% from the date of filing of the writ petition till the date of actual payment.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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