

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7428 of 2021

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Iftekhhar Ahmad Son of Mohamamd Hassin, Resident of Kaushar, Ward No. 31, West of Millat College, Chakrahamat Darbhanga, Police Station and District-Darbhangha.

... .. Petitioner/s

Versus

1. The Lalit Narayan Mithila University Darbhanga through its Registrar.
2. The Vice Chancellor, Lalit Narayan Mithila University, Darbhanga.
3. The Registrar of Lalit Narayan Mithila University, Darbhanga.
4. Finance Advisor, Lalit Narayan Mithila University, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sarvadeo Singh, Advocate
		Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Shailesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 12-07-2021 Heard learned counsel for the petitioner and the University.

The petitioner has filed the present writ petition for a direction to the respondents to pay leave encashment and gratuity.

Mr. Sharvadeo Singh, learned counsel for the petitioner, with reference to Annexure-3, would submit that the University has communicated the petitioner about sanction of Rs. 10/- lakhs as gratuity amount. He further claimed that the petitioner is entitled to payment of leave encashment of Rs. 8,47,786/-, which is disputed by learned counsel appearing for



the University.

Learned counsel for the University would submit that after calculation the University found the petitioner entitled to payment of leave encashment of 101 days only and based on the aforesaid calculation, the University has already passed appropriate order and bill has been sent to Treasury for payment of leave encashment amount of 101 days. Counsel further submits that the petitioner is not entitled to gratuity as he absconded from 25.8.2004 to 9.10.2015. However, counsel for the University has fairly stated that in the counter affidavit there is no whisper of departmental proceeding or otherwise any action has been taken for alleged absence or abandonment of the service. He also admits the facts that after the order as contained in Annexure-3 dated 4.12.2019, the University has not passed any other order.

In the aforesaid circumstances, the writ petition is disposed of with the direction to the respondents to ensure payment of gratuity in terms of annexure-3 within a maximum period of 60 days from the date of receipt/production of a copy of this order. So far as the quantification of encashment of earned leave is concerned, the petitioner shall be at liberty to approach the University and after opportunity of hearing to the



petitioner, the University will appropriately decide the issue of encashment of earned leave within the time as indicated hereinabove.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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