

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3754 of 2021

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Yogendra Roy @ Yogendra Ray Son of Late Ramjee Roy Resident of
Mohalla and P.O.- Jitwarpur Hasanpur, Police Station- Samastipur Muffasil,
District- Samastipur.

... .. Petitioner/s

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 B.R.B. College, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar, Adv.
For the LNMU	:	Mr. Shailesh Kumar, Adv.
For the State	:	Mr. Madanjeet Kumar, GP-20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 01-12-2021 Heard the parties.

2. Petitioner has filed the present writ application for payment of arrears of pension, gratuity, leave encashment, DDA, difference of ACP and MACP scale and Group Insurance at the rate of 12.5%.

3. Learned counsel for the University referring to para-6 and 7 of the counter affidavit submits that final calculation towards arrears of pension, gratuity, leave encashment has been made and a sum of Rs. 4,55,998/- has



come as a difference amount which shall be paid after receipt of the fund from the State Government.

4. Referring to para-7 of the counter affidavit, learned counsel appearing for the University, submits that the group insurance with interest has already been paid. However, payment of DDA and arrears of salary is under process for which salary statement along with DDA has been called for from the Principal of College by the University and the same is likely to be paid after three months.

5. Having heard learned counsel for the parties and after going through the material on record, it appears that the University has already calculated the amount for payment of difference of pension, gratuity, leave encashment etc., which the University is directed to pay within a period of three months from the date of receipt/production of a copy of this order.

6. With regard to payment of DDA and arrears of salary, the University is directed to make the payment after receipt of the salary statement from the concerned college within the aforesaid period of three months.

7. So far as interest upon group insurance is concerned, this Court in CWJC No. 249/2021 has held that an employee, who retired prior to the decision of the Syndicate



taken in the year 2018, is entitled to be given interest @ 12.5 % upon group insurance and since the petitioner has retired in the year 2011 i.e., prior to the decision of the Syndicate taken in the year 2018 for payment of 8% interest upon group insurance, accordingly, the petitioner is entitled to be given interest at the rate of 12.5% on the group insurance. As such, if petitioner has not been given interest @ 12.5% on the group insurance and interest on the lesser rate has been calculated, the University is directed to pay interest upon group insurance @ 12.5% within the aforesaid period of three months.

8. With the aforesaid direction and observation, this writ application stands dispose of.

(Anil Kumar Sinha, J)

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