

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20521 of 2019

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Birmani Prasad Singh Son of Late Shivdani Singh Resident of Village and
P.O. Rukhai, P.S. Chandi, District-Nalanda.

... .. Petitioner

Versus

1. The Tilka Manjhi Bhagalpur University Bhagalpur through its Vice Chancellor.
2. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
3. The Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur.
4. The Principal, S.K.R. College, Barbigha, District Sheikhpura.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Rabindra Kumar, Advocate
For the University : Ms. Rekha Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 08-04-2021

Heard learned counsel for the petitioner and learned
counsel for the University through video conference.

2. The following reliefs as formulated by the petitioner
have been claimed in the writ petition –

“(i) The respondents be directed/commanded to pay the remaining retiral benefits dues on revised pay-scale by calculating 1st A.C.P. on 5th pay-scale sanctioned by the respondents and thereafter 2nd and 3rd A.C.P. and pension be revised taking into consideration of aforesaid benefits and to pay the pension regularly every month and to pay the arrears of pension together with 18% interest per annum till the date of actual payment.

(ii) The respondents be commanded/directed to pay entire leave encashment amount, which have illegally



been withheld and not paid by the respondents with 18% interest per annum, thereon since 31.08.2016 till the date of payment.

(iii) The respondents be directed/commanded to pay L.I.C., Group Insurance and Welfare etc., with 18% interest per annum thereon since 31.08.2016 till the date of payment.

(iv) By way of an ad-interim order the respondents be commanded/directed to pay the remaining retiral benefits dues on revised pay scale by calculating 1st A.C.P. on 5th pay scale as well as all the legal and admissible other dues payable to the petitioner forthwith during the pendency of this writ application.

(v) And further be directed to pay differencing allowance due to non-payment of actual dearness allowance since 1976 to date of superannuation and any other relief or reliefs which the petitioner be found entitled to be granted to the petitioner.”

3. Learned counsel for the petitioner submits that despite having retired on 31.08.2016, the retiral benefits of the petitioner have not properly been paid as yet. It is stated that the 1st A.C.P. has not been paid as per revised pay scale and so also the benefit of 2nd and 3rd A.C.P. has not been granted. The petitioner claims other dues by way of G.P.F., difference of pension, L.I.C., Group Insurance, Earned Leave etc.

4. Learned counsel for the University, on the other hand, invites reference to the counter affidavit and the supplementary counter affidavit to submit that payments of retiral dues have been



duly made to the petitioner save and except Earned Leave which is under process. As a matter of fact, an amount of Rs. 68,799/- has been paid in excess by way of difference of salary which would be recoverable from the petitioner. In particular, reference is invited to paragraphs 5 (d), (e) and (f) of the supplementary counter affidavit enumerating the payments under different heads made to the petitioner appropriately. It is therefore submitted that all the payments as found admissible to the petitioner have been paid and the grievances stand redressed except by way of payment for Earned Leave as stated above.

5. Having heard the parties and considering the specific stand taken in the counter affidavit and supplementary counter affidavit filed by the respondent-University which has not disputed by the petitioner as no rejoinder has been filed by the petitioner, the writ petition stands disposed of with the observation that the respondent-University shall ensure payment of the amount due towards Earned Leave to the petitioner expeditiously and in any event preferably within a period of three months hereof.

(Vikash Jain, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09.04.2021
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