

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20563 of 2019

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Bechan Mali Son of Late Jagdev Bhagat Resident of Village Koyari Bigha,
P.S. Barbigha, District Sheikhpura.

... .. Petitioner/s

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.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rabindra Kumar, Advocate
For the State	:	None
For the University	:	Mrs. Rekha Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 07-04-2021

Heard learned counsel for the petitioner and learned counsel for the respondent-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 ACP and pension be revised taking into consideration of aforesaid benefits;

(ii) The respondents be directed/commanded to pay the entire gratuity amount with 18% interest per annum thereon since 30.06.2011 till the date of actual payment within the time frame fixed by this Hon’ble Court;



(iii) The respondents be directed/commanded to pay 300 days leave encashment amount which have illegally been with held and not paid by the respondents with 18% interest per annum thereon since 30.06.2011 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 ACP 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 difference in salary due to non-payment of actual dearness allowance since 1976 to date of superannuation and any other relief or reliefs to which the petitioner be found entitled to be granted to the petitioner."

3. Learned counsel for the petitioner submits that the petitioner was appointed on a sanctioned Class IV post as Lab Peon on 18.07.1968 in Srikrishna Ramruchi College, Barbigha, now a Constituent College of Tilka Manjhi Bhagalpur University and after completing his service, he duly retired on 30.06.2011. It is stated however that the 1st, 2nd and 3rd A.C.P. have not been properly paid to the petitioner as per revised pay scale. So also, other retiral benefits were also paid on the basis of old pay scale.

4. Learned counsel for the respondent-University invites reference to paragraphs 5 to 8 of the counter affidavit enumerating various payments under the various heads as well as difference of pension, gratuity, leave encashment etc., which have been duly paid to the extent found admissible to the petitioner. A supplementary counter affidavit has also been filed detailing such payments. It is therefore submitted that the



grievance of the petitioner stands redressed and all the payments to the extent found admissible have already been paid to the petitioner. The stand of the respondent-University has not been disputed, as learned counsel for the petitioner specifically stated that no rejoinder need be filed.

5. None appears on behalf of the State when the matter is called.

6. In view of the specific statements made on behalf of the respondent-University in its counter affidavit and supplementary counter affidavit to the effect that all the admissible payments have been made to the petitioner, which has not been disputed by the petitioner by filing a rejoinder, the writ petition stands disposed of.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	08.04.2021
Transmission Date	-

