

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18468 of 2018

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Dinesh Prasad Singh s/o Late Tridev Singh, resident of Village- Phulwaria-1, Post- Barauni, P.S.- Phulwaria, District- Begusarai, retired as Head Clerk from A.P.S.M. College, Barauni, Begusarai, a constituent unit of L.N Mithila University, Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
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.
6. The Principal, A.P.S.M. College, Barauni, Begusarai. null null

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Singh
For the Respondent/s	:	Mr.Subhash Chandra Mishra- Sc16
		Mr. Pramod Kumar Singh, A.C. to S.C.-16
For the University	:	Mr. Nadim Seraj

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 21-01-2021 Heard the parties.

Following reliefs have been sought for in paragraph 1 of
the present application on behalf of the petitioner:

“1(i) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondent authorities to make payment the rest amount of Gratuity, earned leave of 300 days and arrears of pension from 1.12.2016 till date on the basis of pay scale Rs. 15,600-39,100/- with Grade Pay Rs. 7600/- which has been fixed on account of grant of ACP and MACP in compliance of order passed in Civil Appeal 516/2013 order dated 18.01.2013 (State of



Bihar & ors. V Sunny Prakash & ors.) as the petitioner has been paid only amount of gratuity of Rs. 9,54,000/- and also direction for payment of GIC and DDA @ 12.5 % and 9% compound interest in view of judgment reported in 2006, Vol-IV, PLJR page 369.

(ii) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent authorities to make payment the aforesaid dues with interest on account of delay in payment since due to laches on the part of the respondent University the petitioner is suffering.

(iii) 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.”

Mr. Nadim Seraj, learned counsel for the University submits that most of the reliefs as sought for in the present writ application have been redressed by the University. To that effect, a counter affidavit has also been filed. He refers to paragraphs 5, 6 and 7 of the counter affidavit which are as under:

“5. That the petitioner already got the payment of Gratuity amounting to Rs. 7,96,687/- and residual amount of Rs. 1,57,294/- through Treasury Advice in May and August, 2018 meaning thereby total Rs. 9,53,981/- already paid against the maximum limit of Rs. 10 (Ten) lac after adjustment of University contribution.

6. That as regards Leave Encashment :- it is stated that leave encashment for 300 days, a sum of Rs. 5,76,940/- was found payable which has been paid through Treasury Advice in October, 2018. His monthly pension providing A.C.P. and M.A.C.P. is being made from March, 2018.



7. That a sum of Rs. 1,50,000/- has also been paid to the petitioner towards pension arrear on the basis of his basic pension Rs. 21,240/- provisionally. Final payment to this count shall be made on receipt of Pay Verification Slip from P.V.C., Patna and release of fund from State Government.

8. That as regards Group Insurance:- it is stated that Group Insurance with 12.5 % compound interest, a sum of Rs. 2,41,060/- has been found payable which is being paid very shortly.

. Learned counsel for the University further refers to paragraphs 4, 5 and 6 of the supplementary counter affidavit which are as under:

“4. That the claim regarding payment of DDA and Group Insurance have been examined and a sum of Rs. 57,664 and a sum of Rs. 2,41,060/- respectively have been found payable under this head.

5. That as such above admitted amount towards DDA has already been credited in the account of College through R.T.G.S. under letter no. A/C469/19 dated 08.03.2019 addressed to the Branch Manager, Central Bank of India, LNMU Campur Branch, Darbhanga and thereafter information was given to the Principal of M.P.S.M. College under letter no. C/CC/4312/19 dated 15.03.2019 with direction to pay the amount to the petitioner after necessary deduction.

6. That necessary information was given to the petitioner under memo no. LC-211/19 dated 04.04.2019 to collect the amount of DDA from the college and information was given in regard to Group Insurance for crediting the same into the account of the petitioner.”



On behalf of the petitioner, it is submitted that still certain relief in respect of fixation of pay has not been redressed by the University. He further submits that the issue of A.C.P. and M.A.C.P. are yet to be decided and the payments to be made to him by the University.

Considering the aforesaid facts and circumstances of the case, the petitioner is granted liberty to file a detailed representation before the Vice Chancellor, L.N. Mithila University, (respondent no. 3) taking note of order dated 25.09.2018 passed in C.W.J.C. No. 14582 of 2018. If any such representation is filed, the respondent no. 3 shall consider the representation of the petitioner and pass an appropriate order in accordance with law within a period of four months from the date of filing of such representation.

With the aforesaid observation/direction, the present writ application stands disposed of.

(Sudhir Singh, J)

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