

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9504 of 2021

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Bishwajeet Kumar Singh Son of Late Ganesh Singh Resident of Village-
Sherpur, P.O.- Akhori, P.S.- Akhori Higola, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. The Director, Higher Education, Patna.
3. Veer Kuwar Singh University, Ara through its Registrar.
4. The Vice Chancellor, Veer Kuwar Singh University, Ara.
5. The Registrar, Veer Kuwar Singh University, Ara.
6. The Principal, S.P. Jain College, Sasaram, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Advocate
For the Respondent/s	:	Ms. Namrata Singh, (AC to GA 12)
For the University	:	Mr. Ritesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 22-11-2022

Heard Mr. Sunil Kumar Singh, learned counsel
appearing on behalf of the petitioner, Mr Ritesh Kumar, learned
counsel for the Veer Kunwar Singh University, Ara and Miss.
Namrata Singh, learned AC to GA 12.

2. The present writ application has been filed seeking a
direction upon the respondent University to make payment of
pension from the date of his superannuation, as also gratuity,
Group Insurance, leave encashment and arrears on behalf of the
financial progression, granted under the ACP scheme. He further
prays for interest over the delayed payment.



3. The short facts which led to the filing of the present case is that the petitioner was appointed as Laboratory Incharge, Physics in Jawahar Lal Nehru College, Dehri-on-Sone, Rohtas as per staffing pattern in the year 1980 and subsequently, adjusted on the sanctioned post in the year 2011 in S. P. Jain College, Rohtas at Sasaram. It is further contended that the petitioner was re-designated as demonstrator on 31.03.2016 and he has also been allowed the benefit under the ACP/MACP.

4. Learned counsel for the petitioner submits that on 22.08.2017, the Registrar of the University asked the concerned College not to take work from the petitioner and other similarly situated persons against which the petitioner and others approached this Court in CWJC No. 15427/2017 and during pendency of this writ application, the petitioner and others were terminated on 29.06.2019 which was also challenged in the same writ application and ultimately, the writ application was allowed and order of termination was set aside.

5. Learned counsel further submits that one similarly situated person, namely, Rajgrihi Sharma approached this Court for payment of retiral dues vide CWJC No. 6257/2019 and the Co-ordinate Bench of this Court after taking into consideration the objection of the University that an LPA bearing No. 55/2020 has



been preferred before the Division Bench of this Court against the order of the writ petition filed by the petitioner and other similarly situated persons passed in CWJC No.15427/2017, directed for payment of retiral dues subject to the final outcome of the LPA.

6. Referring to the order passed by this Court in the case of similarly situated writ petitioners bearing CWJC No. 6257/2019 and other cases, learned counsel submits that the case of the petitioner is squarely covered by the judgment and order of this Court and the present writ application may be disposed in terms of order passed in CWJC No. 6257/2019.

7. Mr. Ritesh Kumar, learned counsel appearing for the University as well as that of State submit that the State Government has preferred LPA against the order passed in CWJC No. 14653/2017 as well as against the writ application filed by one Rajgrihi Sharma vide CWJC No.6257/2019. Accordingly, no employee has been paid his retiral dues and the present petitioner has been paid provident fund only by the University

8. Having heard learned counsel for the parties and taking into consideration the submission of learned counsel for the petitioner that the fact of the case of the petitioner is squarely covered by the judgment and order passed by this Court in CWJC No. 6257/2019 and the same has not been controverted by the



learned counsel for the University except the fact that none of the employees has been paid his retiral dues by the University, I allow this application exactly in terms of order dated 23.03.2021 passed by this Court in CWJC No.6257/2019 and the University is directed to make payments towards retiral/pensionary benefits of the petitioner within the same period as directed in the aforesaid judgment passed by this Court subject to the final outcome of the LPAs preferred by the University and the State.

9. Accordingly, the present writ application stands disposed of.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.11.2022.
Transmission Date	NA

