

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14111 of 2021

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Kusum Devi Wife of Ayodhya Singh, Resident of Bandhaw Tola, P.S.-Ara,
District-Ara Bhojpur-802301.

... .. 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, M.V. College, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Adv
For the Respondent/s	:	Mr. Hitesh Kumar AC to SC-13
For the University	:	Mr. Ritesh Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2022 Heard Mr. Sunil Kumar Singh, learned counsel

appearing on behalf of the petitioner, Mr. Ritesh Kumar, learned

counsel for the Veer Kunwar Singh University and Mr. Hitesh

Kumar, learned AC to SC 13 for the State.

The present application has been filed seeking

direction upon the respondents University to ensure payment of

family pension from July 2020, gratuity, leave encashment,

group insurance and arrears of ACP on account of financial

progress under the assured career progression scheme. Further

prayer has been made with regard to the interest over the



delayed payment.

It is submitted on behalf of the learned counsel for the petitioner that the husband of the petitioner was appointed on the post of Laboratory Incharge in M.V. College, Buxar, thereafter transferred to Maharaja College on 20.04.1982 where he joined on 01.05.1982 on the said post. He further submits that after working for more than 38 years, husband of the petitioner unfortunately died on harness on 26.07.2020.

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 the said order, the petitioner and others approached this Court in CWJC No. 15427/2017, however, during pendency of the 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.

Learned counsel further submits that one similarly situated person, namely, Rajgrihi Sharma approached this Court for payment of retiral dues in 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.

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.

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 in 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.

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.

Accordingly, the present writ application stands disposed of.

(Harish Kumar, J)

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