

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14449 of 2018

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Parmanand Prasad Son of Late Baijnath Prasad, Resident of Village-
Purankama, P.S. and District- Sheikhpura. Petitioner/s

Versus

1. The State Of Bihar and Ors.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Govt. of Bihar, Patna.
4. The T.M. Bhagalpur University Bhagalpur through its V.C.
5. The V.C. Tilka Manjhi Bhagalpur University, Bhagalpur.
6. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
7. The Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur.
8. The Principal, Ramadhin College, Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Ranjan, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar, (AC to GP 17)
For the University	:	Mrs. Rekha Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 17-11-2022

Heard Mr. Rakesh Ranjan, learned counsel appearing on behalf of the petitioner, Mrs. Rekha Prasad, on behalf of the Tilka Manjhi Bhagalpur University, Bhagalpur and Mr. Sanjay Kumar, learned AC to GP 17.

The present writ application has been filed seeking a direction upon the respondent University to ensure the payment of all the retiral/outstanding dues, including, the gratuity, Earned Leave and Group insurance along with statutory interest over the delayed payment. He further prays for the benefit of ACP/MACP in favor of the petitioner as also the arrears of salary for certain period.

The petitioner was initially appointed as a Lab Assistant in the year 1977 in the Department of Chemistry in Ramdhin



College, Sheikhpura which was later on become a Constituent Unit of Tilka Manjhi Bhagalpur University, Bhagalpur in the year 1980. He further submitted that after working more than 35 years, the petitioner superannuated on 31.10.2015 from the post of Re-Designated Demonstrator. Despite his superannuation on 31.10.2015, when he has not been paid his retiral benefit, left with no option, moved before this Court for redressal of his grievance.

Counter affidavit and supplementary counter affidavit have been filed on behalf of the respondent University. By referring to the averments made in the counter affidavit as well as supplementary counter affidavit, Mrs. Prasad submitted that all the substantial admissible amount payable to the petitioner have stood paid. She fairly submits that so far the payment of 10% Earned leave is concerned, for that, the respondent University had calculated the arrears of difference of Leave Encashment on account of grant of benefit of ACP/MACP which comes to Rs. 7,69,350/- out of which Rs. 6,92,412/- has already been paid to the petitioner. The balance amount of Rs. 76,938/- has been withheld as the approval from Pay Verification Cell, Patna has not yet been received. She further submits that the respondent University undertakes to make the aforesaid payment as soon as the awaited approval is received from the Pay Verification Cell.



Considering the submissions made on behalf of the parties and taking into consideration the averments made in the counter affidavit/supplementary counter affidavit, the writ application stands disposed of with a direction to the Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur to look into the matter and ensure the payment of the rest of the Leave Encashment and any other admissible dues, if not paid. It is needless to say that Director, Higher Education, Government of Bihar, Patna will also ensure that the verification must be completed, as early as possible, within a period of four weeks from the date of receipt/production of a copy of this Order, as the matter for verification is pending for the last four years and after completion of the verification, the report must be sent to the concerned University, so that the rest of the admissible amount be paid to the petitioner, as earliest.

In that view of the matter, the present writ application stands disposed of with the aforesaid observation and direction.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.11.2022.
Transmission Date	NA

