

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18624 of 2018

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Durga Nand Jha S/o Late Surya Narayan Jha, resident of Village- Prasad,
P.O.- Banki Via Madhepura, P.S. Madhepur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The L.N. Mithila Univesity, Kameshwar Nagar, Darbhanga through the Vice Chancellor.
3. The Vice Chancellor, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
4. The Registrar, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
5. The Finance Officer, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
6. The Principal, H.P.S. College, Madhepur, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anju Jha

For the Respondent/s : Mr.Madhaw Prasad Yadaw -Gp23

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date : 21-06-2022

Though, the present writ petition was filed initially for making payment of Group Insurance amount with compound interest @ 12.5% per annum and to pay the arrears of revised retiral dues pertaining to gratuity and leave encashment as a result of grant of first, second and third financial progression under the ACP and M.A.C.P. scheme but during the interregnum period some new issues have also arisen i.e. regarding reduction of pay scale and regarding recovery being sought to be made from the pensionary benefits of the petitioner on account of



lowering down of the pay scale of the petitioner. Another issue sought to be raised by the petitioner is regarding improper fixation of pension, gratuity and leave encashment on account of the same having not been paid on the basis of last pay drawn.

2. At this juncture, the Ld. Counsel for the petitioner, as far as the issues regarding reduction of pay scale of the petitioner, recovery being sought to be made and the issue regarding lowering of the pay scale of the petitioner are concerned, seeks liberty to file a fresh writ petition, to which the learned counsel for the respondents do not have any objection. Accordingly, liberty so sought is granted.

3. Now, coming to the issue of grant of group insurance amount with compound interest @ 12.5% per annum, this Court is of the view that although the said issue stands covered by a judgment dated 06.10.2021 passed by a co-ordinate Bench of this Court in the case of **Devata Devi vs. The State of Bihar & Ors.** (CWJC No. 6672 of 2019) whereby and where-under the Lalit Narayan Mithila University, Darbhanga has been directed to pay interest @ 12.5% on the group insurance amount, but it has been contended by the learned counsel for the University that as many as five Letters Patent Appeals are pending before the learned Division Bench of this



Court with regard to the said issue, one of such being L.P.A. No. 138 of 2022 (**Lalit Narayan Mithila University & Ors. Vs. Ram Shankar Prasad Singh**).

4. In such view of the matter, this Court deems it fit and appropriate to dispose of the present writ petition with liberty to the petitioner to approach the respondent University for grant of interest @ 12.5% on the group Insurance amount as soon as the issue involved in the aforesaid appeal of the University is decided in favour of the petitioner whereupon the University shall do the needful within a period of four weeks of the petitioner approaching the Respondents University along a copy of the order passed by the learned Division Bench in the aforesaid appeal.

5. In view of the liberty granted to the petitioner to file appropriate writ petition, this Court further directs that for a period of six weeks from today, the Respondent University shall not recover any amount from the petitioner.

6. At this juncture, the learned counsel for the petitioner has submitted that though the pensionary benefits of the petitioner was calculated on the basis of last pay drawn i.e. @ Rs. 9,235/-, however, the Respondent University has subsequently admitted that the last pay drawn of the petitioner



was Rs. 30,000/- and on the said basis the arrears of salary has also been paid to the petitioner, hence the petitioner be granted liberty to approach the Vice Chancellor of the Respondent University with regard to his claim regarding fixation of pensionary benefits on the basis of last pay drawn to the tune of Rs. 30,000/- and not Rs. 9,235/-. Liberty so sought is granted. It is expected that the said claim/ grievance of the petitioner shall be redressed either way within a period of six weeks of filing of an appropriate petition. Consequential benefits, if any, shall be paid forthwith, preferably within a period of four weeks, thereafter.

7. The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

