

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.777 of 2021

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Birendra Prasad Singh Son of Late Ramdeo Singh resident of Near Shiv Mandir Sri Krishna Nagar Ahri, P.s. - Aurangabad, District- Aurangabad.

... .. 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	:	Mr. Kameshwar Kumar, GP-17
For the University	:	Mr. Ritesh Kumar, Advocate
		Mr. Vivekanand Pathak, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 18-05-2022

Heard the parties.

2. The petitioner, retired from the post of Laboratory Incharge of Chemistry in March, 2020, has been claiming his retiral dues viz., gratuity, leave encashment, Group insurance and arrears of ACP. The fact of the case is that the petitioner was earlier appointed as Laboratory Incharge of Chemistry in J.L.N. University, Dehri-on-Sone, Rohtas at Sasaram 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.



3. 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.

4. Learned counsel further submits that one similarly situated person, namely, Rajgrihi Sharma approached this Court for payment of retiral dues vide CWJC No. 6257/2109 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.

5. Referring to Annexure-12 Series which is an order passed by this Court in the case of similarly situated writ petitioners bearing CWJC No. 6257/2019, 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.

6. 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.

7. 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.



8. Needless to say that such payments made to the petitioner would be subject to the final outcome of the LPAs preferred by the University and the State.

(Anil Kumar Sinha, J)

S.Ali/-

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CAV DATE	
Uploading Date	20.05.2022
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