

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.822 of 2021

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Deo Nath Singh Son of Late Amvika Singh, Resident of Village - Sahit,
Police Station- Vidyapati Nagar, District - Samastipur, at present resident of
Mohalla - Barah Pathar Ward No. 15, Police Station- Town, District -
Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner-Cum-Secretary Human Resources
Department (Higher Education) Govt. of Bihar, Patna.
2. The Director, Higher Education, Government of Bihar, Patna.
3. The Lalit Narayan Mithila University, Kameshwar Nagar Darbhanga
through its Registrar.
4. The Vice-Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga.
6. The Principal, Samastipur College, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar, Adv
For the Respondent/s	:	Mr. Jitendra Kumar Rai, SC to GA-13
For the University	:	Mr Nadim Shiraj, Adv

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 09-11-2022 Heard Mr. Ranjan Kumar, learned counsel

appearing on behalf of the petitioner as well as Mr. Nadim

Shiraj, learned counsel for the L.N.M. University.

During the pendency of the writ application, the

original petitioner died on 03.05.2021. An interlocutory

application has been filed for substituting the name of the

wife of the petitioner as mentioned in Paragraph no. 4 of the



interlocutory application.

In view of the prayer made on behalf of the learned counsel for the petitioner, the I.A.No. 01 of 2021 is hereby, allowed. The office is directed to do the needful.

The present application has been filed seeking direction for payment of all the admissible retiral dues including the difference of salary, D.D.A and H.R.A. It is submitted on behalf of the learned counsel for the petitioner that petitioner superannuated from the post of Lecturer, department of Botany Samstipur College, Samastipur under L.N.M university, Darbhanga on 31.03.2009. He further submits that though the petitioner has been allowed part payment of gratuity but the same has been paid after deducting the university contribution of Rs. 17310/-. Further he has not been paid the amount of total earned leave of 300 days. He also contended that even the group insurance, dearness allowance with 9% interest has not been paid till date, however, so far the amount under D.A and HRA is concerned, though the petitioner is found entitled for the same but it has been withheld by the university on account of pendency of L.P.A no. 333 of 2019 which is



already disposed of on 08.09.2021 itself.

On the other hand, Mr. Nadim Shiraj, appearing on behalf of the university submits that all the substantial amount towards the retiral dues of the petitioner have stood paid. He further submits that as regards the payment of arrears of salary is concerned, the same has been paid to the petitioner as is evident from Annexure-A and B to the counter affidavit filed on behalf of the university.

Considering the submissions made on behalf of the parties, the petitioner is directed to file a representation before the Registrar, L.N.M. University along with all the necessary documents and the judgments/ orders passed by this Court in the matter of other similarly situated persons, including the judgment /order dated 06.10.2021 passed in C.W.J.C No. 6672 of 2019 and other analogous cases on which, the reliance has been made by the petitioner. If such a representation is filed within a period of four weeks from today, the respondent Registrar, L.N.M University Darbhanga shall dispose of the same by a reasoned and speaking order within a further period of six weeks. It is needless to say that if, the petitioner would be found



entitled for any amount under the head of remaining retiral benefits, the actual payment shall be paid within the aforesaid period.

Accordingly, the present writ application stands disposed of with the aforesaid observation.

N.K/-

(Harish Kumar, J)

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