

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12786 of 2019

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Vinoda Nand Mishra S/o late Mayanand Mishra, Resident of Bhattpura, Ward No. 4, P.S.- Manigachi, District- Darbhanga, retired as Section Officer, Head Quarter, L.N. Mithila University, Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Vice-Chancellor, Lalit Narayan Mithila University, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Singh, Advocate
For the University	:	Mr.Md. Nadim Seraj, Advocate
For the State	:	Mr. Prashant Jha, G.P. 27
		Mr. Mukund Mohan Jha, AC to .A.C. to G.P.-27

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

24 22-06-2022 Though the present writ petition had been filed for making payment of differential amount of retiral dues and arrears of pension with effect from 01.01.2016 till date on the basis of pay-scale of Rs. 15,600-39,100/- with grade pay of Rs. 7600/- which had been fixed on account of grant of ACP & MACP, however, the retiral dues had been calculated and paid on the basis of pay-scale of Rs. 9300/-34800/- with grade pay of Rs. 4200/- but the same has been modified, during the interregnum period, by changing the grade pay to Rs.4800- and



then recovery is being effected.

In view of the fact that the factual aspect of the present writ petition has drastically changed and additional grounds are required to be raised by the petitioner, the Ld. counsel for the petitioner seeks liberty to challenge the subsequent decision of the State Government contained in I.A. No. 1 of 2021 at internal page no. 31-32 as also seek reliefs qua his subsisting grievances. Liberty so sought is granted.

At this juncture, the learned counsel for the petitioner submits that though the petitioner was getting salary in the pay-scale of Rs. 15,600-39,100/- with grade pay of Rs. 7600/- at the time of retirement, however, the retiral dues were fixed in the pay-scale of Rs. 9300/-34,800/- with grade pay of Rs. 4200/- leading to recovery being sought to be made. Hence, it is prayed that at least till the petitioner files a writ petition afresh, some protection be granted. Accordingly, it is directed that for a period of six weeks from today, no recovery shall be made from the pensionary benefits of the petitioner so as to enable the petitioner to file a writ petition afresh and raise the aforesaid grievances as also any other grievance/claim which the petitioner may have.

It is needless to state that in case a fresh writ petition



is filed within a period of four weeks from today, the petitioner shall be entitled to pray for early listing for the same.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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