

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12713 of 2019

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Rajesh Kumar Thakur son of Late Binod Kumar Thakur Resident of Village
and P.O.- Shasan, P.S. Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar the Principal Secretary, Department of Education, Govt. of Bihar, Patna, New Secretariat, Patna.
2. The Vice Chancellor, Veer Kunwar Singh University, Ara.
3. The Registrar, Veer Kunwar Singh University, Ara.
4. The Principal, M.V. College, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Advocate.
For the Respondent University	:	Mr. Ritesh Kumar singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 22-12-2022

Heard Mr. Ashok Kumar Singh, learned counsel for the
petitioner and Mr. Ritesh Kumar singh, learned counsel for the
respondent Veer Kunwar Singh University.

2. The present writ application has been filed seeking a
direction upon the respondent Veer Kunwar Singh University for
the following reliefs:-

*(A) Issuance of writ in the nature of
mandamus commanding the respondents to pay the
pensionary benefits like gratuity, P.F., C.I.S., Ex-
Gradation, Arrears of salary from 01.05.1982 to
02.02.1988, Earned leave and also grant of benefits of
ACP and MACP of the late father of the petitioner.*



(B) The respondent be directed to pay all retiral dues of the late father of the petitioner who died in harness on 17.01.2010.

(C) The respondent further be directed to pay the interest as well as penal interest @ 12.5 per annum and also litigation case for nonpayment of admitted dues of the father of the petitioner without further delay.

(D) To grant such other relief/reliefs for which the petitioner is entitled too.

3. Learned counsel for the petitioner submits that the father of the petitioner, namely, late Binod Kumar Thakur was Lab In-Charge in M.V. College, Buxar under Veer Kunwar Singh University, Ara, who died in harness on 17.01.2010. He further submits that unfortunately the wife of the erstwhile employee, namely, Sulochana Devi also died on 19.07.2008 i.e. prior to the death of the father of the petitioner, however, despite lapse of more than 12 years nothing has been paid to the petitioner.

4. Learned counsel further submits that one similarly situated person, namely, Rajgrihi Sharma approached this Court for payment of retiral dues vide CWJC No. 6257/2019 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 the order passed by this Court in the case of similarly situated writ petitioners bearing CWJC No. 6257/2019 and other cases, 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 subject to the final outcome of the LPAs preferred by the University and the State.

8. Accordingly, the present writ application stands disposed of.

(Harish Kumar, J)

manoj/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.12.2022
Transmission Date	NA

