

**IN THE HIGH COURT OF JUDICATURE AT
PATNA
Civil Writ Jurisdiction Case No.19781 of 2018**

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Nirmal Prasad Singh Son of Late Dasarath Prasad Singh, Resident of
Mohalla- Bahadurpur, Ward No. 26, P.S.- Samastipur, 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, Advocate
For the Respondent/s	:	Mrs. Shilpa Singh, Advocate
		Mr. Md. Nadim Seraj, Advocate
For the L.N.M.U.	:	Mrs. Alka Verma, Advocate
For the Respondent No. 1&2	:	Ms. Namrata Singh, (AC to GA 12)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 17-11-2022

Heard Mr. Ranjan Kumar, learned counsel appearing
on behalf of the petitioner and Mrs. Alka Verma, on behalf of the
Lalit Narayan Mithila University.

The only grievance of the petitioner remains in the
present case with regard to the payment of interest at the rate of
12.5% interest over the Group Insurance amount and further to
ensure payment of Dearness Allowance as well as House Rent
Allowance.



It is submitted that the petitioner superannuated on 28.02.2009 from the post of Lecturer, Department of Chemistry from Samastipur College, Samastipur under Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga. He further submits that despite more than nine years of his superannuation, the full and final settlement of his retiral/outstanding dues has not been made, compelling the petitioner to move before this Court. He further submitted that discrimination has caused to the petitioner as other similarly situated persons, who superannuated from different colleges and even from the same college, they have been allowed the benefit of 12.5% interest over the Group Insurance amount but so far the petitioner is concerned, he has been allowed only 8% interest. He further submitted that other employees have also been allowed the benefit of Dearness Allowance and House Rent Allowance but, till date, the petitioner has not been allowed the benefit of Dearness Allowance and House Rent Allowance. Learned counsel for the petitioner also submits that other similarly situated person, who approached before this Court by filing CWJC No. 6672 of 2019 and 7735 of 2019 they have been allowed the benefit of 12.5% interest over the Group Insurance amount and the case of the petitioner is also identical to those, who have been



allowed the benefit of interest at the rate of 12.5% over the Group Insurance amount.

Learned counsel for the University files second supplementary counter affidavit on behalf of the respondent no. 3, the same is taken on record. By referring to the averments made in the counter affidavit as well as supplementary counter affidavit he submits that all the substantive retiral dues have stood paid to the petitioner but, so far the payment of Dearness Allowance and House Rent Allowance is concerned, as soon as fund would be allocated to the University, it would be paid to the petitioner on priority basis. She further submits that similar issue with regard to the payment of interest, is also pending before the co-ordinate Benches of this Court and the parties would be abide by the Order passed by the Hon'ble Court.

Having heard the parties and considering the grievance of the petitioner, this writ application is disposed of, with a direction to the Registrar, Lalit Narayan Mithila University to consider the case of the petitioner in the light of the Order passed by this Court in identical matter in CWJC No. 6672 of 2019 and 7735 of 2019 and if the case of the petitioner is found identical to those persons, similar relief must be given to the petitioner as has been granted to those similarly situated person. The Registrar of



the University shall also consider the claim of the petitioner for payment of Dearness Allowance and House Rent Allowance and ensure necessary payment, as early as possible, preferably within a period of eight weeks from the date of receipt/production of a copy of this Order.

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

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2022.
Transmission Date	NA

