

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.456 of 2022

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Ram Naresh Prasad Son of Late Basudeo Narayan Resident of Pandev Ram Path, Kalibari Road, Malighat, P.O. Ramna, P.S. Muzaffarpur Town, District-Muzaffarpur, the retired Assistant Registrar, B.R.A. Bihar University, Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Education Department, Government of Bihar, Patna.
4. The Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.
5. The Registrar, B.R.A. Bihar University, Muzaffarpur.
6. The Finance Officer, B.R.A. Bihar University, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Respondent/s : Mr. Subhash Chandra Mishra, SC-16

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 28-04-2023

Heard Mr. Vijay Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Subhash Chandra Mishra, learned SC-16 for the State.

2. In the present writ petition, the petitioner has prayed for following relief(s):

(I) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent University to fix the pensionary benefit of the petitioner in the prescribed pay-scale of Assistant Registrar i.e. the pay- scale of Rs.8,000-13,500/ Rs. 15,600/39,100 Grade Pay - 5400 on the ground that the



petitioner was promoted to the vacant post of Youth Welfare Officer pursuant to the recommendation of Statutory Promotion Committee in its meeting dated 31.01.2001/01.02.2001 vide memo no. B/540 dated 15.02.2001 and subsequently he was shifted to the post of Assistant Registrar with effect from 08.09.2001 on the recommendation of the Statutory Promotion Committee of its meeting dated 08.09.2021 vide memo no. B/2288 dated 10.09.2001 and after attaining the age of superannuation, the petitioner superannuated from the post of Assistant Registrar on 31.01.2002 but the Respondent University had arbitrarily fixed the pensionary benefits in the pay-scale of Rs. 5500-9000.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent University to make payment of differences of pension, gratuity, earned leave, salary etc. on account of fixation of pension in the pay-scale of Rs.8,000-13,500/ Rs. 15,600- 39,100 Grade Pay -5400 with statutory as also penal interest as also to pay the current pension in the revised scale.

(III) For issuance of any other appropriate writ/writs,order/ orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.

3. Learned counsel appearing on behalf of the petitioner seeks permission to file a detailed representation along with all the evidences in support of his claim for payment of retiral dues. The petitioner has been retired from the post of Assistant Registrar on 31.01.2002.

4. The Registrar, B.R.A. Bihar University,



Muzaffarpur is directed to dispose of the representation of the petitioner considering the fact that as to whether the petitioner is entitled to the claim as made in the present writ petition within a period of six weeks. If the petitioner is found to be entitled for his claim of gratuity and earned leave, the same be paid to the petitioner not beyond a further period of three weeks.

5. It goes without saying that petitioner is also entitled for interest on delayed payment.

6. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.05.2023
Transmission Date	

