

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2733 of 2022

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Md. Sohail Son of Late Md. Motiur Rahman, resident of village and P.O. Chapahari, Via-A.G. Bazar, District-Purnea, the retired Routine Clerk, R.N. College, Hajipur, District-Vaishali at Hajipur.

... .. Petitioner/s

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.
7. The Principal, R.N. College, Hajipur, District-Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Adv.
For the State	:	Mr. Sanjay Kumar, AC to GP-17
For B.R.A. B.University :		Mr. Viveka Nand Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 31-07-2023

Heard Mr. Vijay Kumar Singh, learned counsel for the petitioner, Mr. Sanjay Kumar, learned counsel appearing on behalf of the State and Mr. Viveka Nand Singh, learned counsel appearing on behalf of the University.

2. The present writ petition has been filed for following relief(s) :

“For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities for payment of following retiral dues of the



petitioner counting his services from the date of his initial appointment i.e. 10.03.1980 for which he is entitled in view of his retirement from service on 31.10.2017:-

a) Pension:

(b) Gratuity:

(C) Other pensionary benefits admissible to the petitioner for which the petitioner is legally entitled but it has not been paid to the petitioner even after lapse of four years of retirement of the petitioner.

(II) For issuance of an appropriate writ in the nature of mandamus commanding and directing the Respondent Authorities to pay the aforesaid amount to the petitioner with interest till it is actually paid to him on the ground that for any delay caused in the payment of retirement benefits attributable to the Respondents, the petitioner cannot be made to suffer in the evening of his life.

(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 submits that the petitioner has retired on 31.10.2017. However, he has not been paid G.P.F., leave encashment, group insurance along with pension and gratuity.

4. Learned counsel submits that the case of the petitioner is squarely covered by the Judgment dated 25.07.2016, passed by this Court in ***C.W.J.C. No. 6476 of 2013 (Ramjee Paswan & Ors. Vrs. The Baba Saheb Bim Rao Ambedkar University & Ors.)*** as well as the Judgment dated 30.08.2018, passed in ***C.W.J.C. No.***



6368 of 2012 (Ramanand Patna High Court CWJC No.6207 of 2023(2) dt.06-07-2023 3/3 Thakur & Ors. Vrs. The State of Bihar).

5. The petitioner seeks to file comprehensive representation before the Registrar of the University.

6. The Registrar of the University is directed to dispose of the representation after giving proper opportunity of hearing and on the consideration of records relating to the petitioner pass a final order in terms of the judgment/orders relied by the petitioner. In case, it is found that in case of any similarly situated employee, payments have been made, the petitioner must be given the same benefit forthwith.

7. The representation of the petitioner is directed to be considered and disposed of in accordance with law and payments, if admissible, be made along with statutory interest on account of delay payment within six weeks.

8. The writ petition stands disposed of.

(Purnendu Singh, J)

pravinkumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

