

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4040 of 2022

Brij Kishore Tiwary

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar Sinha 2, Adv.
For the Respondent/s	:	Mr. Smt. Shilpa Singh (Ga12) with Ms. Abhanjali, Adv.
For the University	:	Mr. Binay Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-01-2023 Learned counsel for the petitioner, counsel for the State and counsel for the University appeared through virtual mode.

Counsel for the petitioner has filed a writ petition for payment of his post retiral dues including the commutation of pension, benefits of ACP/MACP and consequential benefits calculating the due as well as current salary and emoluments in the then existing pay-scale on the date of his retirement i.e. on 30.09.2019.

Counsel for the petitioner submits that the date of birth of the petitioner is 29.09.1954 and the date of his superannuation at the age of 65 years is 30.09.2019. On account of the interpretation of Section 2(v) of the Bihar State University Act, 1976 and the Bihar State Universities

(Amendment & Validation) Act, 2012, a writ petition was filed bearing C.W.J.C. No. 7701 of 2017 which was decided on 08.10.2021 in favour of the petitioner and others. The petitioner is demanding reliefs of his retiral dues treating the retiral age as 65 years.

Counsel for the State submits that the said order dated 08.10.2021 has been challenged in L.P.A. No. 621 of 2022 which is pending and as such, no order may be passed in favour of the petitioner till disposal of the above said L.P.A. No. 621 of 2022.

Admittedly, the petitioner was the employee of the University and was working with full-fledged Principal of the college with effect from 08.04.1993, now retired and entitled to get his pensionary benefits. His representation is pending before the University being annexed 1 series.

The University is directed to take a decision on the representation and ascertain the admitted retiral dues within a period of 6 weeks from the date of fresh representation made by him alongwith the copy of the present order. The said calculation made by the petitioner shall be subject to the decision of the L.P.A. No. 621 of 2022. The University is also directed to make payment of his admitted retiral dues within 4

weeks thereafter, otherwise, 9 % interest shall be charged thereafter.

Counsel for the State shall assure the compliance of the order within the stipulated time period playing its role under the University laws.

With this direction, the present application is disposed off.

(Dr. Anshuman, J.)

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