

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10375 of 2021

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Ram Karan Singh Son of Late Bhaglu Singh Resident of village- Raipur,
Police Station- Ujiyarpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner-cum-Secretary, Human Resources Department (Higher Education), Govt. of Bihar, Patna.
2. Director Higher Education, Govt. 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 Dr. L.K.V.D. College, Tajpur, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar, Adv.
For the State	:	Mr. Pramod Kumar Singh, AC to SC-16.
For L.N.M.U.	:	Mr. Nadim Seraj, Adv.
	:	Mr. Shahbaj Alam, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 09-01-2023 Mr. Ranjan Kumar, learned counsel for the petitioner,

Mr. Pramod Kumar Singh, learned AC to SC-16 for the State

and Mr. Nadim Seraj alongwith Mr. Shahbaj Alam, learned

counsel for the L.N.M.U. present.

The petitioner filed the present writ application for the
following reliefs :-

*(i) For a direction to the Respondents to pay to the
petitioner the amount of revised gratuity in
A.C.P./M.A.C.P. Scale, Rs.5200-20200/- (G.P.
Rs.2400/-) in 7th Pay Scale.*

(ii) For a direction to the Respondents to pay to the petitioner the amount of revised unutilised leave encashment in A.C.P./M.A.C.P. Scale, Rs.5200-20200/- (Grade Pay Rs.2400/-) in 7th Pay Scale.

(iii) For a direction to the Respondents to pay to the petitioner the amount of G.I. with 12.5% per year compound interest.

(iv) For a direction to the Respondents to pay to the petitioner the amount of difference of Pension from February, 2019 to February, 2020 in A.C.P./M.A.C.P. Scale, Rs.5200-20200/- (Grade Pay Rs.2400/-) in 7th Pay Scale.

(v) For a direction to the Respondents to pay to the petitioner the amount of difference of salary from March, 1989 to 31.01.2019 in A.C.P./M.A.C.P. Scale, Rs.5200-20200/- (Grade Pay Rs.2400/-).

(vi) For a direction to the Respondents to pay to the petitioner the amount of interest of gratuity and pension by the Government Circular bearing No. P-C-21-16179/3155 dated 07.11.1981 and pay penal interest upon the entire dues from the dates they became due till dates of respective payment.

(vii) Any other relief(s) to which the petitioner deemed entitled.

Learned counsel for the petitioner submits that petitioner was retired on 31.01.2019 from Dr. L.K.V.D. College, Tajpur, Samastipur. He further submits that pension of petitioner has been fixed at the level of Registrar of L.N.M.U. and his other retiral benefits has also calculated, part gratuity, part leave encashment, part G.I. paid and partly not paid. Amount of revised retiral dues and difference of salary has also not been paid. He also submits that the Principal of the College has intimated to the University vide letter dated 18.02.2018 about the dues of college employee including the present petitioner.

Learned counsel for the University has submitted counter affidavit and admits the claim of petitioner in his counter and submits that payment shall be made to the petitioner only after receiving the amount from the State. He further submits that University is pursuing the matter before the State Government so that the amount shall be released to the University for making payment to the petitioner and other similarly situated persons.

After going through the counter affidavit, learned counsel for the petitioner submits that he has grievances about

not calculating the group insurance interest @ 12.5%, in this regard learned counsel for the University submits that for deciding the same issue L.P.A. No.138 of 2022 has been filed and any payment of interest on G.I. may be the subject of result of L.P.A. No.138 of 2022.

In the present facts and circumstances of the case, this case has been disposed of with a direction to the respondents that they shall release all the dues mentioned in the counter affidavit of the petitioner within 6 weeks from the date of receiving of the amount from the State Government in this regard. The payment of amount as interest on group insurance @ 12.5% shall be subject to the result of the decision of L.P.A. No.138 of 2022.

If the University shall fail to make payment within 6 weeks after receiving the amount from the State Government, University shall be entitled to pay 9% interest on the payable amount to the petitioner.

With this direction, the writ application is hereby disposed off.

(Dr. Anshuman, J.)

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