

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10830 of 2020

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Dhyanendra Kumar Son of Late Late Devendra Kumar Resident of Dev Tara Comolex, Mohalla-Nehru Nagar, Near Sapna-Cinema, Shivganj, Ara, P.S.- Ara Town, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Vice-Chancellor, Veer Kunwar Singh University, Ara.
3. The Registrar, Veer Kunwar Singh University, Ara.
4. The Finance Officer, Veer Kunwar Singh University, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashank Kashyap, Advocate
For the University	:	Mr. Shyam Sundar Kumar, Advocate
For the State	:	Mr. Vinay Kumar Mishra, (AC to AAG-15)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 20-06-2023 Heard Mr. Shashank Kashyap, learned counsel appearing on behalf of the petitioner; Mr. Shyam Sundar Kumar, learned counsel appearing on behalf of the University and Mr. Vinay Kumar Mishra, learned AC to AAG-15 appearing on behalf of State.

2. The petitioner has sought for following reliefs in the present writ petition:

“(i) For issuance of writ/order/direction commanding the respondents to pay the retiral dues according to 7th pay revision pursuant to Government Letter No. 592 dated 6.3.2019 by which the amount of Gratuity has to be paid Rs. 20,00,000/- out of which Rs. 10,00,000/- has been paid.

(ii) For issuance of writ/order/direction for payment of Rs.



4,06,400/- as Earned Leave as per the 7th pay revision.

(iii) For issuance of writ/order/direction to make payment of difference of arrears of pension Rs. 3,69,098/- due from November, 2017 to March, 2019 and Rs. 6,41,252/- as difference of arrears of salary due from January, 2016 to October, 2017.

(iv) For issuance of writ/order/direction commanding the respondents to pay interest @ 12% per annum on amount paid after inordinate delay as arrears of salary pursuant to the order passed in CWJC No. 17291 of 2019 which is Rs. 12,48,500/-.

(v) For issuance of writ/order/direction issued in L.P.A. No. 32 of 2011 dated 13.7.2012 and order dated 27.10.2010 passed in C.W.J.C. No. 2924 of 2010 and section 4 of the Bihar Litigation Policy, 2011 for making payment the interest for delayed payment of the amount as mentioned in relief No. 4(Supera).”

3. Learned counsel appearing on behalf of the University submits that the Registrar of the University has sent Letter dated 05.01.2021 to the Director, Higher Education, Government of Bihar for release of fund with regard to the employees who have retired in between 01.04.2017 to 31.03.2019 for making payment of retiral dues/benefit in accordance with 7th Pay Revision.

4. Mr. Shyam Sundar Kumar, learned counsel appearing on behalf of the University further submits that the



matter relating to payment of retiral dues and benefit to the petitioner in accordance with the Seventh Pay Revision is pending before the State Government.

5. Considering the aforesaid facts and statements made in the counter affidavit as well as the reliefs which have been sought for by the petitioner, the matter relates to release of fund, which is pending before the Director, Higher Education, Government of Bihar.

6. This Court directs the Director, Higher Education, Government of Bihar to verify from the record as to whether the requisite fund as per the requisition made by the University has been released for the period from 01.04.2017 to 31.03.2019. In case the same has been released into the account of the University, the Vice-Chancellor and Registrar of the University must ensure to make payment of dues as claimed by the petitioner along with the statutory interest for any delayed payment.

7. In case, the Director, Higher Education, Government of Bihar finds that already the funds have not been credited into the account of the University for the aforesaid period or till date then in that case he must personally inform the Additional Chief Secretary, Finance Department to get the fund



released so that payment to the petitioner and similarly situated teachers of the University and employees are made within a period of three weeks from the date of passing of this order without fail.

8. With the above observations and directions, the present writ petition stands disposed of.

(Purnendu Singh, J)

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