

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16504 of 2021

Prof. Arun Kumar Mishra S/o Kamla Kant Mishra Resident of -B/25, Shri Krishna Puri, near P.B. Branch, S.B.I. Boring Road, Patna, retired as University Professor in the Subject of Physics, Post Graduate Department, L.N. Mithila University, Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Vice-Chancellor, Lalit Narayan Mithila University, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
For the University	:	Mrs. Alka Verma, Advocate
For the State	:	Mr. Hitesh Suman, AC to SC-13

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 10-05-2023

Heard Mr. Shashi Bhushan Singh, learned counsel appearing on behalf of the petitioner, Mrs. Alka Verma, learned counsel appearing on behalf of the University and Mr. Hitesh Suman, learned AC to learned SC-13 for the State.

2. Learned counsel appearing on behalf of the petitioner submitted that he has filed the present writ petition for following relief(s) as concluded in paragraph no. 10 of the writ petition, which *inter alia* is as follows:



“That though the petitioner retired on 31.06.2017 and his pension has been fixed in the old scale effective from 01.01.2006 therefore the following dues under different heads are still unpaid:

(i) fixation of pension in view of new scale effective from 01.01.2016 issued by the State Govt. contained in resolution No. 15/M.1-20/2018-591 dated 06.03.2019 and payment of arrear of pension thereupon for the period of 1.7.2017 till date of payment.

(ii) Payment of gratuity in view of Sub Clause-IV of Clause 7 of resolution No. 592 dated 06.03.2019 by which upper limit of gratuity has been enhanced to Rs. 20 lacs after adjustment of 10 lacs.

(iii) payment of earn leave on revised pay point effective from 1.1.2016.

(iv) Amount of Group Insurance @ 12.5% compound interest till the date of payment like other employees in view of judgment reported in 2006 Vol-IV PLJR page 369.

(v) Amount of D.D.A @ 9% compound interest till the date of payment like other employees in view of judgment reported in 2006 Vol-IV PLJR page 369.

(vi) Medical allowances in view of resolution of the State Govt. contained in memo No. 764 dated 30.10.2017.

(vii) Any other admissible dues.”

3. Learned counsel appearing on behalf of the petitioner informs this Court that the petitioner has already represented before the authority concerned and the claim of the petitioner has been forwarded by the Principal of the concerned college and the delay in making payment is being caused by the Registrar of the University.

4. Learned counsel appearing on behalf of the



University informs this Court that immediate steps will be taken by the Registrar of the University to disburse all the dues as claimed by the petitioner within a period of three weeks in spite of the fact that the University is stressed due to non-availability of fund.

5. The Vice-Chancellor, Registrar and Finance Officer of L.N. Mithila University, Darbhanga, must ensure to comply with the direction of this Court contained in ***CWJC No. 6852 of 2021 (Lilawati Mishra vs. The State of Bihar & Ors.)*** by facilitating speedy redressal of the genuine grievance and prevent unnecessary litigation.

6. The Vice Chancellor and the Registrar of the University are required to personally approach the Additional Chief Secretary, Higher Education Department, Government of Bihar, who will at least ensure disbursal of fund, which is required by the University for the payment to be made to the petitioner.

7. Entire admissible dues on account of retiral benefit must be paid to the petitioner after examining his claim within a period of three weeks.

8. In case, the order is not complied with, the petitioner may file an application for initiating a proceeding of



contempt for willful disobedience of this order.

9. With the above observation/direction, the present writ petition is allowed.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	13.05.2023
Transmission Date	N/A

