

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18140 of 2021

Dr. Ashok Kumar S/O - Late Lakhichand Prasad R/O - Muhalla - South of
Gandhi Chowk (Chota Telpa), P.O. - Chapra, P.S. - Chapra Town, District-
Saran, PIN- 841301.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Education Dept. Govt. of Bihar, Patna.
2. The Secretary, Higher Education Dept. govt. of Bihar Patna.
3. The Vice Chancellor, J.P. University Chapra.
4. The Jai Prakash University, Chapra through its Registrar.
5. The Finance Officer, J.P. University, Chapra.
6. The Finance Advisor, J.P. University, Chapra.
7. The Principal / Prof. - In - Charge, Ram Jaipal College, Chapra.
8. The Bursar, Ram Jaipal, College, Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Shekhar Tiwary, Advocate
For the State	:	Mr. Kumaresh Singh, AC to SC-28
For the University	:	Mr. Ritesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 10-05-2023

Heard Mr. Shashi Shekhar Tiwary, learned counsel
appearing on behalf of the petitioner, Mr. Kumaresh Singh,
learned AC to learned SC-28 appearing on behalf of the State
and Mr. Ritesh Kumar, learned counsel for the University.

2. Petitioner, who had retired on 31.03.2021 from
the post of Associate Professor (Department of Chemistry) has
filed the present writ petition for following relief(s):

*“ That this application is being filed
for directing / commanding the respondents to*



ensure immediate payment of post retiral and other admissible dues in favour of the petitioner who superannuated as Associate Professor, (Department of Chemistry) from the J.P. University, Chapra w.e.f. 31.03.2021.

2. That the petitioner prays for the following reliefs:-

The answering Respondents, particularly the respondents -J.P. University, Chapra may kindly be directed to ensure immediate payment of:-

i. Rs. 5,63,961/- towards Group Insurance amount with 12.5% compound interest in continuity (in view of the Hon'ble Courts decision reported in 2006 (4) PJR 369 and other decisions).

ii. Rs. 6,33,042/- (27,41,300/- (-) 21,08,258/-) towards leave encashment amount for 300 days (in view of Hon'ble Court's decision passed in C.W.J.C No. 7837/2012, i.e. Anx Pg read with other developments) .

iii. Rs. 1,70,000/- (20,00,000/- (-) 18,30,000/-) towards gratuity.

iv. Rs. 23,179/- (30,075/- (-) 6,896/- University share) towards provident fund amount, kept pending under the PNB Account, Ram Jaipal, College, Chapra.

v. Arrear / differential arrear to the tune of Rs. 8,45,199/- (Approx.) for the period of 2000 to 2005 (under the 5th PRC).

vi. Arrear / differential arrear to the tune of Rs. 25,59,960/- (Approx.) for the period of 2006 to 2011 (under the 6th PRC).

vii. Up to date statutory / penal interest also may kindly be allowed to the present petitioner, upon the payment above said (while annexing the calculation chart under each and every head so stated / expected inter-alia) on account of delayed payment, with the cost of the present petition.

viii. Any other relief or reliefs also may kindly be allowed to the petitioner for which he be found entitle in the opinion of this Hon'ble Court. ”



2. 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 only delay in making payment is being caused by the Registrar of the University.

3. Learned counsel appearing on behalf of the University informs this Court that almost all the admissible retiral dues has already been paid to the petitioner. He further informs 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.

4. In the meantime, the Vice Chancellor of the University must ensure that the Registrar of the University takes all the serious steps for making payment of the retiral dues admissible to the petitioner within a period of three weeks.

5. At this stage, the learned counsel appearing on behalf of the University informs this Court that the University is stressed due to non-availability of fund and if it is true, the Vice Chancellor and the Registrar of the University should 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.

6. The Registrar of the J.P. University Chapra, must forthwith redress the grievance of the petitioner and make payment within a period of three weeks.

7. In case, the order is not complied with, the petitioner may file a contempt petition before this Court for willful non-compliance of the order.

8. With the above observation/direction, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

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

