

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20844 of 2021

Prof. (Dr.) Ram Kumar Singh S/o Late Bal Keshwar Singh Resident of
Village - Kumhau, P.O. - Morsarai, P.S. - Shivsagar, Dist. - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Higher Education
Human Resources Development, 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.
5. The Principal, S.P. Jain College, Sasaram, Dist. - Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nitesh Kumar, Adv.
For the Respondent/s	:	Mr. Jitendra Kr. Roy 1, (Sc13)
For the University	:	Mr. Ritesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 19-01-2023 Heard learned counsel for the petitioner, counsel for
the University and counsel for the State.

The present writ application has been filed for
payment of the legitimate dues of the petitioner including the
difference of pay-scale of University Reader and University
Professor for the period between 01.07.1993. The payment of
provident fund, revised pension, gratuity, medical allowances,
unutilized Earned Leave, arrear of salary and any other relief(s)
for which the petitioner is entitled for.

Counsel for the petitioner submits that petitioner was
appointed as lecturer in the Department of Botany and after

getting his respective promotions, he retired from the post of Professor which is admitted by the University vide Annexure-2/ page 18, where the name of petitioner has figured under heading S.P. Jain College, Sasaram shown in Serial No. 4. Counsel submits that petitioner was promoted on the post of Reader by virtue of Annexure-1/ page 16 and Professor by virtue of Annexure-2/ page 20.

Counsel for the petitioner fairly submits that during pendency of the present application, he received 2 counter affidavits. In the counter affidavit dated 10.01.2023, it transpires that University has found payable amount for the petitioner is Rs.20,71,887/- and the same was credited through R.T.G.S. in the account of salary fund account of the College with a direction to make payment to the petitioner.

Counsel for the petitioner submits that calculation chart has not been provided, therefore, it is directed to the counsel for the University that a calculation chart shall be provided to him within 2 weeks.

Counsel for the petitioner has made reliance on a judgment reported in 2007 (Supp.) PLJR 218 in which paragraph 4 of the judgment is set out herein below:-

“Learned Junior Counsel to Government

Advocate No.1 while appearing for the respondents has with full candour submitted that the liability for payment of difference of increase in salary during the aforesaid period has been discharged in most of the cases alongwith the payment of interest at the rate due and payable to the General Provident Fund subscribers and wherever entitled due is not paid since they have retired they will be paid within a period of three months with interest at the aforesaid rate in accordance with law.”

Subsequently, counsel for the petitioner further raised that on the gratuity amount, interest has not been calculated, whereas, as per the payment of Gratuity Act, the petitioner is as per Section 7(3A) of the Act, entitled for statutory interest on the amount of gratuity payment, if paid with delay. In support thereof, he further relied on a judgment of Hon’ble Supreme Court in ***H. Gangahanume Gowda vs. Karnataka Agro Industries*** decided on 05.02.2003, in Appeal (civil) 1024 of 2003 in which direction for payment of 10 % interest on the amount of gratuity and unutilized salary amount has been made in paragraph 7.

Counsel for the University submits that all admissible dues to the petitioner has been paid. The only context which the petitioner may made from the University is the interest amount on the said payment.

Counsel for the University further submits that the specific interest rate amount has not been mentioned in the Gratuity Act, it has been mentioned only in the simple interest.

In the light of the submissions made above, let this application is disposed off with a direction to the University that University shall provide the detailed calculation chart to the petitioner within 2 weeks from today and liberty is hereby granted to the petitioner that he shall file representation before the University, after going through the detailed calculation chart under different headings and University shall consider the payment of statutory interest on gratuity amount and as well as the payable amount in the light of the judgment aforesaid.

With this direction, the writ application stands disposed off.

(Dr. Anshuman, J.)

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