

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17774 of 2022

Umesh Chandra Jha Son of Late Sobhakant Jha Resident of Village- Sonupur,
Police Station- Rosera, Circle- Rosera, District- Samastipur, Pin- 848210.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Higher Education, Government of Bihar, Patna.
2. The Kameshwar Singh Darbhanga Sanskrit University, through its Registrar, Kameshwar Nagar, Darbhanga.
3. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
4. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
5. The Finance Officer, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
6. The Governing Body, Sanskrit College, Rosera, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Advocate
For the State	:	Mr. Prabhakar Jha (GP- 27)
For the University	:	Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 06-07-2023 Heard Mr. Ashok Kumar Choudhary, learned counsel appearing on behalf of the petitioner, Mr. Prabhakar Jha, learned GP-27 appearing on behalf of the State and Mr. Deepak Kumar, learned counsel for the Kameshwar Singh Darbhanga Sanskrit University.

2. Learned counsel appearing on behalf of the petitioner informs this Court that substantial amount on account of different heads of retiral dues have been paid to the petitioner. However, a chart has been annexed along with the ‘Annexure-



R2/A' of the counter affidavit filed on behalf of the University from which it is reflected that on account of contributory benefit fund, a total amount of Rs. 4,35,392/- has been less paid.

3. Learned counsel appearing on behalf of the respondent/s has admitted that the said amount has not been paid and no reason has been assigned in the counter affidavit as to why less amount on account of contributory pension fund has been paid to the petitioner in spite of the fact that the amount has been quantified by the University.

4. Learned counsel appearing on behalf of the University informs this Court that contributory pension fund is not applicable to the employees of the University, however, he is not able to explain as to how the amount on account of contributory pension fund has been calculated and ascertained to be Rs. 4,35,392/-. No statement with respect to less payment on account of contributory pension fund has been made in the counter affidavit.

5. This Court would have directed the Registrar of the Kameshwar Singh Darbhanga Sanskrit University to make payment of the contributory pension fund amounting Rs. 4,35,392/- in absence of any reason having been assigned in the counter affidavit that why less payment has been made.



6. Considering the information given by the University by way of 'Annexure-R2/A' in the chart being misconceived for making less payment on account of Contributory Pension Fund, the Registrar of the Kameshwar Singh Darbhanga Sanskrit University must ensure that less payment if payable be paid to the petitioner within a period of three weeks.

7. In case the petitioner is not entitled for Contributory Pension Fund then in that case, the petitioner must be informed by any mode on or before 12.07.2023 and explain reason for less payment on account of C.P.F. to the petitioner.

8. In case the petitioner is entitled, the same be paid forthwith to the petitioner.

9. If the petitioner is dissatisfied by any information given by the University, he may file detailed representation before the Vice-Chancellor of the University, who will look into the matter and finally decide and ensure payment to the petitioner for which till date he has not been paid along with the statutory interest.

10. The Vice-Chancellor of the University must communicate to the petitioner before passing any order which involves monetary loss to the petitioner.



11. The Vice-Chancellor of the University must also ensure to get the fund released so far as 10 % on account of pay verification from the State Government.

12. The decision must be taken within a period of six weeks by the Vice-Chancellor of the University.

13. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/Nilmani

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