

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16185 of 2022

Janardan Prasad Sinha

... .. Petitioner/s

Versus

The State of Bihar & Others.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Respondent/s : Mr. Madan Jeet Kumar, (GP- 20)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner, learned counsel for the Respondents, learned counsel for the University and learned counsel for A.G. through virtual mode.

The petitioner has filed the present writ petition for the following reliefs:-

(i) To issue a Writ in the nature of Mandamus commanding the respondents to make expeditious payment of full retirement benefits including pension, gratuity, earned leave and other monetary benefits to which the petitioner is entitled to, upon his retirement from the services as Associate Professor in Mathematics in B.D. College upon attaining the age of superannuation on 31.07.2021:-

(a) Payment of full pension as 10%

pension is not paid to the petitioner.

(b) Payment of gratuity amount to the tune of Rs.5 lac to the petitioner as out of Rs.20 lac as total gratuity, the respondents have paid only Rs.15 lac to the petitioner.

(c) Payment of Earned Leave amount to the tune of Rs.9,57,535/- to the petitioner as out of Rs.26,81,570/- as total Earned Leave, the respondents have paid only Rs.17,24,035/- to the petitioner.

(d) Payment of Rs.10,34,000/- approx under the head of differential amount of arrears of salary between the 6th Pay Revision Commission and 7th Pay Revision Commission which is for 39 months.

(e) Payment of Arrears arising out of difference in Dearness Allowance which is from 17% to 31%.

(f) Payment of statutory and penal interest upon the payment under above heads to the made to the petitioner.

(d) Payment of Deferred D.A. with up to

date statutory interest till the date of final payment in view of Prof. Surendra Bahadur Case reported in 2006 (3) PLJR 369.

(ii) To issue a Writ in the nature of Mandamus commanding the respondents not to rely and create to frivolous reasons and mere technicalities to withhold the retiral benefits amount to which the petitioner is entitled to and to calculate the retiral dues and ensure the payment of the same alongwith the interest at the earliest without further delay and not to create frivolous reasons to withhold the retiral benefits amounts to which the petitioner is entitled to.

(iii) To any other relief or reliefs to which the petitioner is entitled in facts and circumstances of the case.

Counsel for the petitioner submits that petitioner has filed representation for his grievances before the authorities as well as filed its reminder but till date there is no response, the representation is annexed as Annexure-4 and reminder is annexed as Annexure-6, Page-29.

In this view of the matter, the authority of the

University is directed to pass a reasoned and speaking order on the representation filed by the petitioner within 4 weeks from the date of production of present order along with the fresh representation before him. The Registrar of University shall communicate about the disposal of the representation to the petitioner, within 6 weeks from the said date.

With the aforesaid direction, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

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