

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23629 of 2019

Prof. Sandhya Jha D/o late Anirudha Jha, Resident of West of District Congress Office, Laheriasarai, Balbhadrapur, Darbhanga, Retired as University Professor in the Subject of Botany, C.M. Science College, Darbhanga, 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.
6. The Principal, C.M. Science College, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Singh, Advocate
For the State	:	Smt. Binita Singh, SC 28
For the LNMU	:	Md.Nadim Seraj, Advocate
		Mr.Rajeev Kumar Singh, Advocate
For the Registrar (LNMU):		Dr.Mustaque Ahmad, Advocate
For the Finance Officer	:	Mr.Rajan Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

9 21-03-2023 Show cause is being filed on behalf of the Respondent no.4, namely, Registrar, LNMU and the respondent no.5, namely, the Finance Officer, LNMU today i.e. 21.03.2023, in the course of hearing of the case. The same is kept on record

2. Heard Mr. Shashi Bhushan Singh, learned counsel appearing on behalf of the petitioner, Smt. Binit Singh, learned SC 28 appearing for the State, Md. Nadim Seraj, learned counsel appearing for the LNMU, Mr. Mustaque Ahmad,



learned counsel appearing on behalf of Registrar (LNMU) and Mr. Rajan Kumar Sinha, learned counsel appearing on behalf of the Finance Officer.

3. Learned counsel appearing on behalf of the petitioner submits that the difference of salary for the period from 01.01.2006 to 31.03.2010 has not been paid to the petitioner, though the revised D.R. amounting to Rs.1,09,100/-, admissible in the case of the petitioner, is being regularly paid w.e.f. March, 2020.

4. With respect to the payment of gratuity, he submits that the University is liable to make payment up to Rs.20,00,000/- (maximum limit) in terms of Resolution No.592 dated 06.03.2019 (Annexure 2), out of which only Rs.09,96,176/- has been paid and remaining amount has not been paid on the ground that the University has not received the grant from the State Government.

5. The learned counsel appearing on behalf of the petitioner further submits that the petitioner has been paid entire amount of Dearness Allowance (D.A.), however, difference of amount of Earned Leave (E.L.) has not been paid.

6. The learned counsel also disputes that the compound interest on the amount of Group Insurance, in terms



of direction of this Court dated 24.01.2018 passed in CWJC No.8700 of 2017, at the rate of 4.5% compound interest and later at the rate of 8% compound interest has been paid and for delayed payment, amount of interest on account of Group Insurance is payable to the petitioner.

7. Per contra learned counsel appearing on behalf of the University submits that the entire amount of Gratuity and Leave Encashment has not been paid and in this regard, he informs that the University has made a formal request to the State Government to release the grant, vide letter No.C/PO/14626/22 dated 28.06.2022. He further submits that in terms of the restriction imposed by the State Government contained in letter No.14/प्र./13-88/2019-1590 dated 20.10.2022 only 80% of the arrear of pension for 11 months accrued due to 7th Pay Revision amounting to Rs.2,97,346/- has been paid and remaining 20% will be paid once a decision is taken by the competent authority.

8. Learned counsel further submitted that not only the petitioner has not been paid retiral dues but retiral dues of other teaching staff of the University situated on account of grant having not been received from the State Government has been withheld. Referring to a communication made with the State



Government dated 28.06.2022, as contained in Annexure 'F' of the show cause filed on behalf of the respondent no.4, on the portal of the Statement Government, namely, Comprehensive Financial Management System (CFMS) on 20.03.2023, he emphatically submitted that as soon as the grant is released by the State Government, the payment will be made to all such employees of the University.

9. Learned counsel appearing on behalf of the State informs that the matter relating to release of grant has already been placed by the Education Department before the Finance Department and it is expected that soon the Finance Department will release the entire amount to the University. He further submitted that he has received instructions that the entire grant will be released soon. Such assurance has been recorded in the order on the basis of telephonic communication/instruction received by Mr. Kumar Kamal Nayan, learned counsel for the State.

10. The matter relating to payment of GIS and release of grant were taken earlier in the year, 2019 by a Co-ordinate Bench of this Court in CWJC No.2106 of 2019 in which vide order dated 08.07.2021, it has been observed that “*The Principal Secretary of the Education Department shall be*



saddled with the exemplary cost at this stage”.

11. At this stage, Smt. Binita Singh, learned SC 28 seeks some time so that she can make telephonic communication and inform this Court today (i.e. 21.03.2023) as to how much time the State Government particularly the Finance Department will take in releasing the grant to the University. Accordingly, the matter is being adjourned to be heard at 04.00 P.M. today (i.e. 21.03.2023).

Later on at 4.00 P.M.

12. Smt. Binita Singh informs that the Law Officer of the Finance Department in consultation with the Additional Chief Secretary of the Finance Department has informed that all the necessary steps will be taken to release the grant to the University within a period of three weeks.

13. Considering the aforesaid submissions made on behalf of the State, it would be proper to dispose of the writ petition with a direction to the Registrar, LNMU to take all measures to get the fund disbursed in the account of the University and for this purpose, he must personally contact with the Additional Chief Secretary, Finance Department as well as the Principal Secretary, Education Department as both the Departments are required to take appropriate action so as to



disbursal of the fund may be made within three weeks.

14. At this stage, the learned counsel appearing for the University has submitted that so far as the contention of the petitioner with respect to payment of interest on Group Insurance amount is concerned, compoundable interest @ 4.5 % has already been paid to the petitioner in the year, 2014 and the relevant record has been produced, which is in possession of the Registrar, LNMU, who is present in the Court, and the communication had been made on 22.08.2014 between the Principal of the College and the Finance Officer of the University.

15. In such circumstances, if the petitioner is aggrieved by any of the retiral dues, which has not been paid to him, he is at liberty to make a detailed representation before the Registrar of the University, who will ensure making payment of the entire dues payable to the petitioner with statutory interest as prescribed in different Circulars and applicable in the case of the petitioner. The Registrar, LNMU would not make any delay in payment, once the fund is received by the University and such payment must be made to the petitioner within a period of 2-3 days just after receiving of the fund.

16. The Registrar of the University is also directed to



discharge his duty more diligently so as to avoid any delay in making payment of dues of any of the retired employee of the University and if the petitioner make any complaint because of his inaction in making payment of the retiral dues, this Court will take appropriate action against him.

17. Accordingly, this writ petition is disposed of.

(Purnendu Singh, J)

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