

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23815 of 2019

Prof. Amarendra Nath Kargupta Son of late Kanai Lal Kargupta, Resident of -4, Beltal Rickshaw Stand, 433 Bhuban Ray Road, Purba Barisha, South 24 Pargana , (WB), retired as University Professor in the subject of Botany, 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.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate Mr. Bipin Kumar, Advocate
For the University	:	Mr. Kinkar Kumar, Advocate
For the Respondent/s	:	Mr. Kumar Kamal Narayan, AC to SC-28

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

10 28-04-2023 Heard Mr. Shashi Bhushan Singh, learned Counsel appearing on behalf of the petitioner; Mr. Kinkar Kumar, learned Counsel appearing on behalf of the University and Mr. Kumar Kamal Narayan, learned AC to SC-28 appearing on behalf of the State.

2. Learned Counsel appearing on behalf of the petitioner informs this Court that almost all the retiral dues have been paid to the petitioner, however, certain dues still remains to be paid on following heads:



(a) Gratuity amount of Rs. 10,00,000 (Ten Lakhs Only) as per the amendment brought in the year 2019 vide Memo No. 592 of dated 06.03.2019.

(b) GIC at the rate of 12.5%.

(c) Differences of earned leave.

3. Mr. Kinkar Kumar, learned Counsel appearing on behalf of the University informs this Court that University is financially not sound and is not in a position to make payment of GIC at the rate of 12.5%. University has taken decision to pay at the rate of 8 % on GIC vide Memo No. 9915 dated 07.09.2021 which is approved approved by the Senate in its meeting dated 19.12.2021. The petitioner has been paid interest at the rate of 8 percent on account of group insurance.

4. At this stage, learned Counsel appearing on behalf of the petitioner submitted that the said decision cannot be applied in case of the petitioner as the decision has been taken in the year 2021 and the petitioner had already retired in the year 2013.

5. Considering the limited grievance of the petitioner in the interest of justice, the petitioner, if so advised, may file a detailed representation along with the evidences in support of his claim before the Registrar of University.



6. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga is directed to take final decision in light of the Memo No. SC/145/21 dated 27.02.2021 within a period of four weeks and make payment of all the retiral dues payable to the petitioner on account of unutilized leave encashment of 300 days, Group Insurance with applicable rate of interest in accordance with decision of Senate of the Mithila University dated 27.07.1985, D.D.A. at the rate of 9% per annum from the period of 1982 to 1989, D.A. with H.R. for the period from 2006 to 2010 and arrears of salary for the period from April 2020 to February 2021 after its regularization.

7. Such exercise must be taken within a period of four weeks.

8. With the aforesaid observation and direction, the writ petition stands disposed of.

(Purnendu Singh, J)

Niraj/-
Nilmani/-

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