

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4627 of 2021

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Vikash Kumar Sinha S/o Late Yogendra Prasad Resident of Ward no. 14, P.s.-
Khagaria, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna
2. Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna
3. The Vice Chancellor, T.M. Bhagalpur University, Bhagalpur
4. The Registrar, T.M. Bhagalpur University, Bhagalpur
5. The Finance Officer, T.M. Bhagalpur University, Bhagalpur
6. The Principal Koshi College, Khagaria

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh
For the Respondent/s : Mr. Ashhar Mustafa

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 13-08-2024

Heard Mr. Shashi Bhushan Singh, learned Advocate
for the petitioner and the learned Advocate for the Tilka Manjhi
Bhagalpur University.

2. Supplementary affidavit has been filed on behalf of
the petitioner. The same is taken on record.

3. The petitioner is the son of the erstwhile employee.
The father of the petitioner superannuated on 31.08.2004.
Despite his superannuation, the admissible retiral benefits in the
admissible pay scale along with other dues have not been paid
and finally he died on 23.05.2014.



4. Under the afore-noted compelling circumstances the petitioner has approached before this Court by filing the present application seeking a direction to ensure payment of all admissible retiral benefits and other dues, particular of which has been duly mentioned in paragraph no. 12 to the writ petition.

5. It is submitted that during the pendency of the writ petition, the claim of the father of the writ petitioner has been admitted and certain amounts have been paid to the petitioner.

6. Learned Advocate for the petitioner contended that the respondent University has admitted this fact that the amount of Rs.5,56,023 and Rs.5,60,188/- have been found admissible for payment under the head of difference of pension and arrear of difference of salary for the period March, 1989 to August 2004. So far the amount of Rs.5,60,188/- under the head of difference of salary is concerned, as per the instruction of his client, the same has been credited in the account of the College concerned. It is further contended that there is no whisper about payment of difference of pension for the aforementioned period to the tune of Rs.5,56,023/-.

7. It is next contended that despite the fact that the father of the petitioner has been found entitled to get all the



retiral benefits in the pay scale of Rs.8000-13,5000/-, his benefits were accorded in the pay scale of Rs.5500-9000/-. The respondent University has failed to make response with regard to the rest of the difference amount of gratuity and earned leave. It is also contended that in the counter affidavit the University has averred that an amount of Rs.47,049- under the head of GIC has been paid to the petitioner but it has not been clarified as to whether the same has been paid along with interest of 12.5% or not. The issue with regard to payment of 12.5% interest over the GIC amount stood confirmed by the Division Bench of this Court in LPA No. 1253 of 2016 as contained in Annexure-9 to the writ petition. Learned Advocate further contended that the father of the petitioner superannuated in the year 2004 and died in the year 2014 but the payments are being made in the year 2024. Thus, the petitioner is entitled to at least statutory interest over the delayed payment.

8. Considering the response of the petitioner and the submissions advanced before this Court and taking note of the fact the matter is pending since 2021, the writ petition is disposed of with a direction to the respondent Registrar, Tilka Manjhi Bhagalpur University to consider all the aforementioned claim of the father of the petitioner and ensure payment of all



the remaining admissible due, preferably within a period of 12 weeks from today. In case any of the claim of the father of the petitioner is found inadmissible, the same must be dealt with by a reasoned and speaking order. Needless to observe that the Registrar of the University shall also consider the claim of the father of the petitioner for interest over the delayed payment.

9. The writ petition stands disposed of with the aforesaid observations and directions.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	14.08.2024
Transmission Date	

