

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1865 of 2022

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Shree Niwas Sharma S/o Late Shiv Narayan Sharma, resident of Village Surajpur, P.O. and P.S. Hulasganj, District Jehanabad at present resident of Indrapuri Road No. 8, P.O. Keshri Nagar, P.S. Patliputra, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Govt. of Bihar, Patna.
4. The Tilka Manjhi Bhagalpur University Bhagalpur through its Vice-Chancellor.
5. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
6. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
7. The Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur.
8. The Principal, K.S.S. College, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Adv.
For the Respondent/s	:	Dr. Anand Kumar, Adv.
		Mr. Rajan Prakash, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 12-12-2024

Heard the parties.

2. The petitioner superannuated on 30.06.2016 from the post of Associate Professor in the Department of English in K.S.S. College, Lakhisarai has approached before this Court seeking a direction upon the respondents to ensure the payment of all the pre and post retiral benefits, as has been prayed in paragraph no. 1 of the writ petition.

3. A counter affidavit has been filed on behalf of the



respondent nos. 1, 2 and 3. Categorical averments have been made in paragraph no. 7 that all the admissible dues have been paid to the petitioner.

4. The aforesaid fact has been controverted by the learned Advocate for the petitioner and submits that though the petitioner was entitled for arrears of difference of salary with effect from December, 1980 to July, 2005, amounting to Rs. 9,31,797/-; nonetheless, from the counter affidavit, it appears that the petitioner has been paid the difference of salary for the period only from July, 1986 to December, 2005 to the tune of Rs. 4,25,766/-. There is no discussion or even a whisper with respect to the period from December, 1980 to July, 1986. It is further contended that the petitioner has also been accorded the less amount of salary for the period from Jan, 2006 to June, 2016. After calculation of the salary for the said period, the petitioner has arrived to an amount of Rs. 5,10,276/-; whereas, he has been paid only 3,23,186/-. Apart from the aforesaid contention, learned Advocate for the petitioner further urged that he has also not been accorded a bunch increment, as has been accorded to other similarly situated persons.

5. On the other hand, learned Advocate for the University submits that all the admissible amount has been paid to the petitioner, however, if the petitioner has any grievance



still so far, he may approach before the respondent no. 6.

6. Considering the fact that the substantive amount against the pre and post retiral benefits have already been accorded to the petitioner, the present writ petition stands closed. So far the remaining restricted grievance of the petitioner is concerned, he may approach before the respondent no. 6 along with the order of this Court. In case the petitioner files a representation with a specific averments of his remaining admissible due amount, the same shall be considered by the respondent no. 6 by passing a speaking order, preferably within a period of twelve weeks, from the date of receipt/production of a copy of this order, in accordance with law.

7. Suffice it to observe that if the claim of the petitioner finds favour, necessary consequential payment shall be made within the period stipulated.

8. The writ petition stands disposed off.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.12.2024
Transmission Date	NA

