

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10165 of 2021

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Ayodhya Singh Son of Late Madhuri Singh Resident of Village- Baghi, Police Station- Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner-cum-Secretary, Human Resources Department (Higher Education) Govt. of Bihar, Patna.
2. Director, Higher Education, Govt. of Bihar, Patna.
3. The Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga through its Registrar.
4. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Principal, Dr. L.K.V.D., College, Tajpur, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar, Advocate
For the Respondent/s	:	Mr. J.P. Kishore, AC to SC-19
For the University(Resp. 3 to 5)	:	Ms. Binita Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 02-09-2024 Heard Mr. Ranjan Kumar, learned Advocate for the petitioner and Ms. Binita Singh, learned Advocate representing the L.N. Mithila University. The State is represented by Mr. J.P.Kishore, learned Advocate.

2. Drawing the attention of this Court to the averments made in the counter affidavit filed on behalf of respondent no. 3 to 5, learned Advocate for the petitioner vehemently contended that the claim of the petitioner was duly considered and on the basis of pay slip received from Pay



Verification Cell calculation of pre and post-retiral dues was done, the relevant paragraphs of the counter affidavit reads as follows:-

“ Moreover, benefits of A.C.P/M.A.C.P. has also been given. The pension of the petitioner was fixed @Rs. 7,335/- with admissible D.R. from 01.11.2018 to 20.02.2020 and pension fixed @ Rs. 19,300/- with admissible D.R. which is being paid to the petitioner from 01.03.2020. Further, with respect to payment of Gratuity and Earned Leave Encashment amount of Rs. 10,152/- & Rs. 4,600/- Respectively are due for payment. The details of the calculation are elucidated in the following table:-

Sl. No.	Heads	Payable	Paid	Difference
1.	Gratuity	Rs. 5,85,766/-	Rs. 5,75,614/-	Rs.10,152/-
2.	E.L. Encashment (for 300 days)	Rs. 3,48,070/-	Rs. 3,43,470/-	Rs. 4,600/-
Total				Rs. 14,752/-

That as regards the salary arrears, it is stated that calculation has been done for the period from March, 1989 to March, 2017 and a sum of Rs. 4,29,951/- has been found payable after pre-audit and the same shall be paid after administrative approval and receipt of fund from the State Government.

That with respect to the payment



of Group Insurance, it is stated that the payment of GIC along with 4.5% compound interest amounting to Rs. 14,472/- have already been paid to the petitioner. However, as regards the payment of Group Insurance along with 12.5%, it is stated that the same has been restricted by the University in light of the direction of the State Government and the resolution of the Finance Committee duly approved by the Syndicate. Rather, simple saving bank account interest rate is applicable to Group Insurance.”

2. Learned Advocate for the petitioner further contended that though the counter affidavit speaks about afore-noted admissible dues but there is no reply to the arrears of pension in the revised pay scale with effect from November, 2018 to February, 2020.

3. In response to the aforesaid averments, learned Advocate for the university candidly submitted that the claim of the petitioners are admitted however, on account of the paucity of fund, the same could not be paid to the petitioner. As soon as, the necessary fund shall be allotted, the petitioner shall be paid all his dues.

4. Learned Advocate for the State countering the submission of the university has submitted that adequate fund



has already been released in favour of the university.

5. Regard being had to the submissions made on behalf of learned Advocate for the respective parties and considering the fact that the dues of the petitioners have been admitted by the university, the present writ petition stands disposed of with a direction to the respondent no. 4 and 5 to ensure the payment of all the admissible dues, preferably within a period of twelve weeks from the date of receipt/production of a copy of this order, failing which the petitioner shall be entitled to 8% interest over the admitted dues.

6. Suffice it say that while according the admitted dues of the petitioner, the respondent shall also consider the claim of the petitioner for his entitlement of 12.5% interest over the group insurance, in view of the contention of learned Advocate for the petitioner that other similarly situated persons have been accorded the similar relief.

7. In the light of the aforesaid direction, the writ petition stands disposed of.

(Harish Kumar, J)

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