

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9051 of 2022

Akhilesh Kumar Keshari Son of Late Bhagwan Prasad Keshari, resident of Village and P.O.- Pothia, P.S. Falka, District- Katihar, presently residing at Mohalla - Baigna Banshi Nagar, B.D. College Road, P.O. and P.S. Katihar, District- Katihar, the retired Accounts Assistant -cum- Cashier, K.B. Jha College, Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director Higher Education, Education Department, Government of Bihar, Patna.
4. The Vice Chancellor Purnea University, Purnea.
5. The Registrar, Purnea University, Purnea.
6. The Finance Officer, Purnea University, Purnea.
7. The Principal, K.B. Jha College, Katihar.
8. The Lalit Narayan Mithila University, Darbhanga.
9. The B.N. Mandal University, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate
For the Respondent/s	:	Mr. Madanjeet Kumar, GP-20
For B.N. Mandal University	:	Mr. Ritesh Kumar, Advocate
For L.N.M.U.	:	Mr. Bindhyachal Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

10 16-07-2024 Heard the parties.

2. The petitioner superannuated from the post of Accounts Assistant-cum-Cashier from K.B. Jha College, Katihar on 30.11.2020. Despite his superannuation when the petitioner has not been accorded his post retiral benefits, he has been compelled to approach before this Court by filing the present



writ petition, seeking a direction upon the respondent university to ensure payment of all his post retiral benefits.

3. Shorn of unnecessary details, during the pendency of the present writ petition, the petitioner has been paid his pension, earned leave and group insurance. However, till date the petitioner has not been paid 10% of his remaining gratuity, for want of pay verification.

4. It is also contended by the learned Advocate for the petitioner, while ensuring the payment of 90% gratuity amount, an amount of Rs.1,40,594/- has been illegally deducted without there being any show-cause notice or opportunity. Now the grievance of the petitioner is only confined to the 10% of gratuity and illegal withdrawal of Rs. 1,40,594/-, as well as the interest over the delayed payment.

5. Learned Advocate for the universities submitted at the Bar that admittedly the petitioner was superannuated on 30.11.2020 and after his superannuation he has been accorded leave encashment as well as group insurance, from the three universities where the petitioner had discharged their duties.

6. It is also contended that the Principal, K.B. Jha college, through his letter no. A/C-121-2022 dated 13.10.2022 issued no dues certificate of petitioner, mentioning therein that



the total dues of the college to the petitioner was Rs. 1,40,594/-. Against general fund, there was a due amount of Rs. 1,16,594/- and against the stipend fund of the students, there was a due amount of Rs. 24,000/-. The aforesaid amount has been deducted from the arrears of pension amount and after deducting the same, the remaining amount is already paid to the petitioner. The copy of the no dues certificate has been brought on record and marked as Annexure A to the second supplementary counter affidavit, dated 23.04.2024.

7. So far the contention of the petitioner regarding delay in payment, learned Advocate for the university further contended that for the first time the petitioner has deposited the required papers for pension on 19.06.2021. On receipt of the papers, no dues certificate was called for and after receipt of the no dues certificate, necessary payment has been made to the petitioner and, as such, there is no delay on the part of the university is the contention of the learned Advocate.

8. It is lastly contended on behalf of the university that since the pay verification is pending before the Pay Verification Cell of the State Government, the moment the same shall be done, remaining gratuity amount as per the admissibility of the petitioner shall be paid.



9. Considering the submissions made at the Bar and the materials available on record, this Court does not find that there is a delay on the part of the university and, as such, in the opinion of this Court the petitioner is not entitled for any interest over the admissible due amount. So far the deduction of Rs. 1,40,594/- is concerned, the same has also been explained by the university in its counter/supplementary counter affidavit.

10. In view thereof, the present writ petition stands disposed of with a direction to the State to ensure the pay verification of the petitioner appropriately done preferably within a period of 4 weeks from the date of receipt/production of a copy of this order.

11. It is needless to observe that after issuance of pay verification slip, necessary payment under the head of gratuity shall be made to the petitioner within a further period of 4 weeks thereafter.

(Harish Kumar, J)

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