

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13103 of 2019

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Ram Raj Pandey S/o Late Ram Vyas Pandey, R/o village- Parashuram Nagar,
Colony (Sandulpur) Kumhrar, Road, P.O.- Sultanganj, P.S. Alamganj, District-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, High Education, Govt. of Bihar,
Patna.
2. The Magadh University, Bodh Gaya, through its Vice- Chancellor.
3. The Registrar, Magadh University, Bodh Gaya.
4. The Finance Officer, Magadh University, Bodh Gaya.
5. The Principal, College of Commerce, Patna- 20.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Shekhar Tiwary, Advocate
For the Respondent/s	:	Mr. Syed Firoz Raza, Advocate
For the University	:	Mr. Md. Faiz Ahmad, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 29-07-2024

Heard Mr. Shashi Shekhar Tiwary, learned Advocate
for the petitioner, Mr. Md. Faiz Ahmad, learned Advocate for
the University and the learned Advocate for the State.

2. The petitioner superannuated on 31.01.2004 as
Lecturer from the College of Commerce, Patna has filed the writ
petition for grant of following reliefs:-

*“A- The respondents may kindly be
directed to ensure immediate payment of-*

*i. Rs.10,00,000 - Rs.1,00,000/- =
9,00,000/-*

*ii. Statutory interest over the same in
view of payment of Gratuity Act due to delayed
payment.*

iii. Differential arrear toward Gratuity



amount, towards pay and pension in view of the University letter no. 206 dated-19.7.2013 also in view of memo no.364 dated- 19.8.2010.

iv. The earned leave amount for three hundred days.

v. 12.5% compound interest over the Group Insurance amount in view of Prof. Surendra Bahadur case (Reported in 2006 (3) PLJR 369)

vi. The benefit of D.A. merger w.e.f. 1.1.06 in view of Dr. Himsanshu Bhushan case reported in 2010 (2) PLJR.

vii. The areal towards pay and allowances viz, DDA old, D.D.A., H.R.A, Medical allowances, Interim relief etc.

viii. Rs.28,280/- recovered unilaterally from the gratuity amount.

B- The 6th & 7th pay revision benefit also be extended form the respective date of entitlement.

C- Statuary cum Panel interest also may kindly be allowed over the abovesid dues on the ground of delayed payments.”

3. A counter affidavit has been filed on behalf of respondent nos. 2 to 4. A categorical averments have been made that all the admissible or retiral dues, including the dearness allowances have been paid. The statement in this regard has been made in paragraph nos. 7 to 12 of the counter affidavit.

4. Refuting the contention of the answering respondent-University an Interlocutory Application No. 1 of 2024 has been filed seeking amendment in the relief.

5. Learned Advocate for the petitioner vigorously



contended that despite the admitted fact that the petitioner was promoted to the post of Lecturer-in-Senior Scale in pay-scale of Rs. 10,000-15,200/- with effect from 25.05.1997 vide Memo No. 364 (G.I.A) dated 19.08.2010, the copy of which is marked as Annexure-2 to the writ petition, the entire calculation of his retiral benefits and other admissible dues have been made by treating the petitioner as Lecturer and paid accordingly.

6. A supplementary affidavit has also been filed bringing on record a chart prepared by the Principal of the College forwarded to the Finance Officer of the University, showing the entitlement of the admissible due amount on account of promotion of the petitioner and other similarly situated person.

7. Referring thereto, it is thus submitted that the claim of the petitioner has not been considered in a rightful manner and his legal and admissible dues on account of promotion to the post of Lecturer-in-Senior Scale has not been paid, as yet.

8. At this juncture, learned Advocate for the University submits that so far his instruction is concerned, the petitioner has already been paid all his admissible dues. If the petitioner has still any grievance, the petitioner should bring all the facts before the Registrar of the University, who shall verify



the claim of the petitioner and pass a reasoned and speaking order.

9. Having heard the submissions of learned counsel for the respective parties and also taking note of the affidavits filed on behalf of both the sides, this Court deems it proper to dispose of the writ petition with a direction to the respondent no. 3 to consider the claim of the petitioner, as noted hereinabove and pass a reasoned and speaking order, preferably within a period of 12 weeks from the date of receipt/production of a copy of this order.

10. Suffice it to say that if the petitioner is found entitled for any admissible retiral or other dues on account of his promotion to the post of Lecturer-in-Senior Scale in the pay scale of Rs. 10,000-15,200/-, all the consequential benefits as well as other dues shall also be paid to him within the stipulated period, as noted hereinabove.

11. The writ petition stands disposed of.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2024.
Transmission Date	NA

