

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2420 of 2021

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Jnaneshwary Kant Tiwary @ J. K. Tiwary, S/o Awadhesh Pd. Tiwari, R/o Mohalla - Husse, Chapra, Saran, District - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. Principal Secretary, Finance Department, Bihar, Patna.
3. Director, Education Department, Bihar, Patna.
4. Accountant General, Bihar, Patna.
5. The Vice-Chancellor, JPU, Chapra (Saran).
6. The Director, General Provident Fund, Pant Bhawan, Patna.
7. Registrar, J.P. University, Chapra (Saran).
8. Finance Officer, J.P. University, Chapra (Saran).
9. Treasury Officer, Chapra (Saran).
10. District Provident Officer, Chapra (Saran).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha, GP-27
		Mr. Hari Mohan Mishra, AC to GP-27
For the University	:	Mr. Ritesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 06-02-2024

Heard Mr. Shashi Bhushan Singh, learned counsel appearing on behalf of the petitioner, Mr. Ritesh Kumar, learned counsel for the J P University and Mr. Hari Mohan Mishra, learned counsel for the State.

2. The petitioner by filing the present writ petition seeking a direction upon the respondents to ensure payment of all the post retiral benefits, including the provident fund, GPF, group insurance, leave encashment, family pension and other



benefits, despite the fact that the petitioner has already superannuated on 28.02.2006.

3. A counter affidavit as well as supplementary counter affidavits have been filed on behalf of the respondent University. At the outset, it is submitted on behalf of the University that all the substantive due amount has been paid to the petitioner. However, it has further been clarified that the petitioner has been paid remaining amount to the tune of Rs. 42,739/- towards the group insurance, similarly, the remaining due amount of Rs. 99,191/- towards the salary arrears for the period, prior to November, 1992. He further submits that the claim of the petitioner was duly examined after proper calculation, on the basis of the difference of salary for the period 01.01.1996 to 31.12.2005, in the Pay Scale of Rs. 14,940/- w.e.f. 01.01.1996. The University has further made the calculation on the basis of the Pay Scale, as noted hereinabove, w.e.f., 01.01.1996 to February, 2006 and, it has been found that the petitioner was paid an amount to the tune of Rs. 2,23,733/-, in excess to his entitlement, towards the salary arrears for the period January, 1996 to February, 2006. The petitioner has also been paid an excess amount to the tune of Rs. 1,65,766/- towards the difference of pension arrears, on account of 7th Pay



Revision for the period April, 2017 to March, 2019. Thus, making note of the aforesaid calculation, he further submits that an amount of Rs. 3,89,499/- has been paid to the petitioner in excess, which is found recoverable from him.

4. In response to the afore-noted submissions, Mr. Singh, learned counsel for the petitioner, drawing the attention of this Court to the calculation chart in relation to UGC pay difference from January, 1996 to February, 2006, submits that from the chart it appears that the petitioner has been paid an amount of Rs. 5,74,556/- against the outstanding balance amount, but it has not been clarified that this amount has been paid under the difference of pension or under the head of difference of salary though, as per his instructions, the same has been paid under the difference of pension, thus, no case of recovery is made out.

5. Considering the limited grievance of the petitioner, the present writ petition stands disposed of, with a direction to the petitioner to approach before the Finance Officer, J P University, preferably within a period of two weeks, from today. On appearance of the petitioner alongwith the order of this Court before the Finance Officer, J P University, he (respondent no. 8) would be under obligation to furnish a detailed chart, clarifying



the present position, as to under which head the amount of Rs. 5,74,556/- has been paid to the petitioner.

6. Needless to observe that, if the petitioner has any further grievance, he can assail that order or file an appropriate representation before the competent authority, who shall consider and dispose of the same, in accordance with law, expeditiously.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.02.2024
Transmission Date	NA

