

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17601 of 2022

Dr. Prem Kumar Bairoliya, Son of Late Prushottam Das Bairoliya, Resident of Mohalla- Professor Colony Surat Ganj Ward No. 8, Police Station- Madhubani Town, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Higher Education, Government of Bihar, Patna.
2. The Vice-Chancellor of L.N.M. University, Darbhanga.
3. The Registrar, L.N.M. University, Darbhanga.
4. The Finance Officer, L.N.M. University, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Bhagat, Advocate
For the Respondent/s	:	Mr. Madhukar Mishra, AC to SC-16
For the LNM University	:	Mr. Kinkar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 06-02-2024

Heard Mr. Arun Kumar Bhagat, learned counsel for the petitioner and Mr. Kinkar Kumar, learned counsel for the Lalit Narayan Mithila University, Darbhanga. The State is represented by Mr. Madhukar Mishra, learned AC to SC-16.

2. A counter affidavit has been filed on behalf of respondent nos. 2 to 4.

3. It is submitted on behalf of the Lalit Narayan Mithila University, Darbhanga (hereinafter referred to as 'the University') that an amount of Rs.16,92,280/- has been paid to the petitioner way back in March, 2019 itself, under the head of earned leave encashment. Further, a sum of Rs.9,82,160/- has



also been paid to the petitioner against the gratuity, under the maximum limit of Rs.10,00,000/-, as the petitioner superannuated on 31.08.2016. Further submission has been made that the petitioner has also been paid arrears of difference of pension on account of 7th Pay Revision from April, 2017 to March, 2019.

4. He next submitted that with regard to the payment of D.A., H.R.A. and Medical Allowance from 01.01.2006 to 31.03.2010 are concerned, the same are not found payable to the petitioner in the light of the order of the State Government, as contained in Letter No. 14/Mu/13-88/2019-1590 dated 20.10.2022.

5. Learned counsel for the University further contended that the petitioner has been paid Medical Allowance @ Rs.1,000/- per month. However, he lastly submits that considering the claim raised by the petitioner for calculation and subsequent payment of pre and post retiral dues, letter has also been sent to the Principals of R. K. College and V.S.J. College, Madhubani to make available the paid side statement for calculation of arrears of salary vide letter dated 10.01.2024 and as soon as the said calculation is received, subsequent payment shall be made without any further delay.



6. Considering the submissions advanced on behalf of the learned counsel for the University, the present writ petition stands disposed of with a direction to the University to get the proper calculation done after receipt of the paid side statement for arrears of salary from the Principals of different colleges, as noted hereinabove, preferably within a period of eight weeks from the date of receipt/production of a copy of this order and also ensure payment of remaining admissible dues within a further period of two weeks thereafter, in accordance with law.

7. The entire exercise must be completed within a period of ten weeks.

8. It is made clear that the petitioner shall be at liberty to assail the order, in case, his claim is negatived by the respondent University.

9. This disposes the writ petition.

(Harish Kumar, J)

uday/-

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

