

(2005) 05 PAT CK 0011
In the Patna High Court
Case No : CWJC No. 5412 of 2002

Durga Prasad Upadhyaya

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 09-05-2005

Acts Referred:

Citation : (2005) 4 PLJR 358

Hon'ble Judges : Mridula Mishra, J

Bench : Single Bench

Advocate : Pushkar Narain Sahi, Diwakar Upadhyaya and Partha Sarthy, for the Appellant; S. Eqbal Ahmad for (Patna University), for the Respondent

Judgement

Mridula Mishra, J.—Heard counsel for the petitioner, counsel for the State as well as counsel for Patna University. This application was filed by the petitioner for a direction to make payment of retiral dues. The petitioner retired on 31st October, 1996 from the post of University Professor of Law, Patna Law College. After his retirement the petitioner submitted all papers with regard to fixation of his pension and payment of all retiral dues. He was not paid his full provident fund amount. The payment was made in October, 2002 by a notification but the interest payable thereon was not paid. His deferred Dearness Allowance and salary in the revised scale and some other dues have also not been paid. He was paid only pension and gratuity amount. By a notification No. U182 dated 31.1.97, petitioner was directed to continue his work. He continued to work and stayed in the University quarter allotted to him. Petitioner's grievance is that the University has charged penal rent from his for his overstaying in University quarter, after his superannuation.

2. A counter affidavit has been filed on behalf of the University in which it has been stated that G.P.F. amount has been paid to the petitioner on 13.8.2003. Leave encashment has also been paid on 6.8.2002. A sum of Rs. 16,864/- has been paid towards the arrears of Dearness Allowance from January, 1990 to February, 1993 but interest was not paid. After adjusting penal rent of Rs.

46,545/- charged for petitioner's overstay in the quarter allotted to him during his service period, he has been paid his dues.

3. So far as charge of penal rent is concerned, petitioner's counsel has stated that petitioner was not paid his retiral benefits in time, on account of laches on the part of the University. In such case, penal rent should not be charged from him, as decided by K.K. Jha Committee constituted by the University.

4. In the facts and circumstances, the petitioner is directed to file a representation before the University, regarding adjustment of his retiral benefits which shall be considered within one month from the date of filing of the representation and the amount which has been adjusted as penal rent should also be refunded to the petitioner within two weeks from the date of receipt/communication of this order. This writ application is, accordingly disposed of.