
(2010) 03 PAT CK 0182
In the Patna High Court
Case No : CWJC No. 12610 of 2002

Shri Kamdeo Narayan Singh	Vs	APPELLANT
The State of Bihar and Others		RESPONDENT

Date of Decision : 16-03-2010

Acts Referred:

Citation : (2011) 2 PLJR 700

Hon'ble Judges : Jyoti Saran, J

Bench : Single Bench

Judgement

Jyoti Saran, J.—Heard Mr. Abhay Kumar Singh, learned Senior Counsel appearing on behalf of the Petitioner, Mr. Jai Shankar Barnwal, learned Counsel representing the University as also Mr. Raj Kamal, the learned Assisting Counsel to S.C.-20 for the State of Bihar.

2. This is the second attempt on part of the Petitioner in seeking the payment of his retiral dues having earlier moved this Court through C.W.J.C. No. 10328 of 1999 and which was disposed of by order dated 1.11.1999 in terms of the order passed in the case of Rukmini Devi v. The State of Bihar and Ors. reported in 1996 (2) PLJR 348 requiring the University to dispose of the claim of the Petitioner by a speaking order. Consequent thereto, certain grievances of the Petitioner were redressed but according to the Petitioner some remained pending, forcing him again to move this Court through the present writ petition.

3. During the pendency of the present proceedings, some further claims of the Petitioner were redressed save and except the following:

(a) Interest at the rate of 5% on the provident fund amount. It is contended that payment of Rs. 56,090/- was made over to the Petitioner but the same only consisted of the principal amount and that the University has not calculated the interest accrued thereon. According to the Petitioner, the interest amount comes to Rs. 38,295.96 and would go on increasing by the delay.

It is indisputable that the Petitioner would be entitled to admissible statutory interest on the provident fund deductions and which would be calculated by the University from the date the same were required to be deducted until the date of payment of Rs. 56,090/- and if the Petitioner is found to be entitled to further amount by way of interest, the same should be paid to the Petitioner.

(b) The arrears of differential salary amount in view of the implementation of the University Grant Commission's revised scale of pay for teaching staff with effect from 1.1.1986 and w.e.f. 1.1.1996: It is contended that the payments towards the said arrears are still pending but according to the University, the same has been paid to him.

(c) Deferred D.A. for an amount of Rs. 71,822/- for the period 1990-91 and 1996-97: According to the Petitioner the same is pending but according to the University, the admissible amount being Rs. 46,930/- has been paid to the Petitioner towards his final settlement.

(d) Ad hoc D.A. of Rs. 2,169/-: The University contends that the same has been paid but Petitioner disputes the position.

4. Learned Counsel for the Petitioner submits that he shall be filing a detailed representation before the Financial Adviser of the University in regard to the aforesaid pending grievances together with supportive calculation details in support of his claim (s) and the authorities of the University may be appropriately directed for considering and disposing of the same by a speaking order.

5. Mr. Jai Shankar Barnwal, learned Counsel for the University has no objection to the submission made on behalf of the Petitioner. Learned Counsel in response to the claim of the payment of the UGC arrears, submits that as the State Auditors are scrutinizing the, respective claims of the employees, hence they may be appropriately directed to expedite the process of audit of the said claim of the Petitioner and where after the University would not delay the payments thereof.

6. Having considered the circumstances and the rival submissions of the respective parties, this writ petition is disposed of with liberty to the Petitioner to file a detailed representation before- Respondent No. 5, the Financial Adviser of the Magadh University and who shall, after giving personal hearing to the Petitioner or his authorised representative, consider the claims set out by the Petitioner and dispose of the same in accordance with law. Needless to add that such of the claims found admissible, should be paid to the Petitioner without further delay and the claims found not admissible by the University, should be rejected by a reasoned order.

7. In so far as the payment of UGC arrears is concerned, if it is found that the said dues have not yet been paid to the Petitioner, the University would forthwith take all possible steps to process the claim of the Petitioner and place it before

the State Auditors who shall scrutinize and approve the same within a period of four weeks thereafter and accord sanction and where after necessary payment should be made to the Petitioner.

8. Let it may be made clear that the entire exercise should be completed within " a period of three months from the date of receipt/production of a copy of this order.

9. The writ petition stands disposed of.