

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4938 of 2023

Navalkishor Singh

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Higher Education, Government of Bihar, Patna.
2. The Kameshwar Singh Darbhanga Sanskrit University Through its Registrar, Kameshwar Nagar, Darbhanga.
3. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
4. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
5. The Finance Officer, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
6. The Governing Body, Rudra Sanskrit Up-Shastri Mahavidyalay, Hulash, Supoul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Adv., Ms. Sushmita Kumari, Adv.
For the State	:	Mr. Shankar Kumar Thakur, AC to GP-27
For University	:	Mr. Deepak Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 18-07-2023

Heard Mr. Ashok Kumar Choudhary and Ms. Sushmita Kumari, learned counsels appearing on behalf of the petitioner, Mr. Shankar Kumar Thakur, learned counsel appearing on behalf of the State and Mr. Deepak Kumar, learned counsel appearing on behalf of the University.



2. The petitioner has filed the present writ petition for the following reliefs:-

“That this is an application for issuance of a writ in the nature of mandamus commanding the respondent concern with direction to make payment of pension along with other pre and post retirement dues to the petitioner, superannuated with effect from 29.02.2020 while serving as night guard (class iv post) in the Rudra Sanskrit Up-Shastri Mahavidyalay, Hulash, Supoul permanently affiliated unit of the Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.”

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner had retired from the post of Night Guard (Class IV Post) from Rudra Sanskrit Up-Shastri Mahavidyalay, Hulash, Supoul on 29.02.2020. The petitioner was being paid regular salary and other benefits applicable to the said post as well as benefit of pay revision from time to time. The petitioner was issued no dues certificate after his retirement. However, the pensionary benefit has not been given to him till date. The authority of the University has not even fixed the pension of the petitioner.

4. Learned counsel further submitted that the petitioner's case is covered by the law laid down by the Apex Court in ***D.S. Nakara & Others Vs. Union of India*** reported in ***(1983) 1 SCC***



305 for non payment of pensionary benefit is denial of fundamental right of the petitioner and is in violation of Article 300A of the Constitution of India.

5. Per contra, learned counsel appearing on behalf of the State inform this Court that pay fixation of the petitioner has not been verified by the Pay Verification Cell of the State Government. Learned counsel appearing on behalf of the State further informs this Court that the fund has already been released and credited into the account of the University and it is up to the University to see that why petitioner has not been paid dues, as claimed by him.

6. Learned counsel appearing on behalf of the University informs that all the formalities have been discharged by the petitioner as well as by the State Government and he will personally inform the Registrar of the University to make payment of all the admissible retiral dues, as claimed by the petitioner within a period of six weeks.

7. Considering the rival submission made by the parties as well as the fact that the petitioner had retired on 29.02.2020 and in spite of lapse of two and half years, no retiral dues has been paid to him. The record reveals that all the formalities has been performed by the State Government as well as by the petitioner, this Court deprecates the manner in which the Vice-Chancellor of



the University has treated the retired employee of the University by not making them payment of dues amount of the retiral benefits including the pension. It is very pathetic that even the pension of the petitioner has not been fixed.

8. The Vice-Chancellor / Registrar of the University is directed to make payment of all the retiral dues including pension along with statutory interest admissible to the petitioner in accordance with law within a period of six weeks from the date of receipt of this order.

9. In case of failure, the Vice-Chancellor of the University will be liable to make payment of the retiral dues which has been claimed by the petitioner in the present case from his own pocket.

10. The writ application, accordingly, stands disposed of

(Purnendu Singh, J)

pravinkumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	
Transmission Date	

