

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.534 of 2015

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Rajniti Prasad Son of Late Akhajdhari Prasad Singh Resident of village -
Darweshpura, P.S. Katari Sarai, P.O. Badi, District - Nalanda (Bihar)

.... Petitioner/s

Versus

1. The Vice - Chancellor, Patna University, Ashok Rajpath, Patna
2. The Registrar, Patna University, Ashok Rajpath, Patna
3. The Principal , Patna Women's Training College, Near Gandhi Maidan, Patna 1
4. The Chancellor, Universities of Bihar, the Secretary, Governor's Secretariat, Raj Bhawan, Patna
5. The State of Bihar, through Principal Secretary, Human Resources Development, Higher Education Department, Government of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajniti Prasad (in person)

For the Respondent/s : Mr. Raj Nandan Prasad, SC9

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 20-05-2015

Heard petitioner in person and learned counsel for the
Patna University.

This writ application filed on 9.1.2015 wherein following
relief was prayed:-

- "1. ----- for directing the respondent, Patna University to
make part payment of Earned Leave Encashment, part
payment of G.P.F. amount after updating and
correcting the accounts, salary arrears from 1973 to
2005, 50% D.A. merger, A.C.P. arrear in favour of the
petitioner who retired on 30.09.2005, about nine years
ago, from the post of Head Clerk from Patna Women's
Training College, under Patna University, Patna."

On 2.4.2015, when this case was heard, the petitioner
appearing in person had submitted that he has also received full



amount of leave encashment but, then, he had made a grievance with regard to payment of admissible amount of G.P.F. Since, this issue of G.P.F. was not answered by the respondents in their counter affidavit, further indulgence was given to the University to find the dues of provident fund of the petitioner, if any, after making enquiry from the Principal of the Patna Women's Training College and also make payment of the admissible amount. As with regard to the rest of the amount, the petitioner was given liberty to approach the Registrar specially in respect of arrear of salary emanating from 1973 to 2005 in different patches and phases. This Court had also noted that payment of Rs. 1,08,539/- was sought to be made by a cheque dated 24.3.2015.

Today, a supplementary counter affidavit has been filed wherein a reasoned order dated 19.5.2015 has been enclosed to show that whatever amount was found payable to the petitioner has already been paid either on the head of arrear of salary or 50% D.A. merger and difference of leave encashment. It has also been stated in such order that the further claim of the petitioner for payment of arrear or salary for the period 1973 to 1981, 1981 to 1986 and 1986 to 1991 could be examined only on the basis of bills submitted by the Principal of the Women's Training College wherein the petitioner was working before retirement.

This Court is fully satisfied that the Registrar of the Patna University has made his best of the endeavors to make payment of

admissible and payable amount to the petitioner. If the petitioner wants to raise an issue of payment of salary of the year 1973, that cannot be even remotely entertained much less adjudicated in this writ application. The petitioner had retired in the year 2009 and, therefore, if he could not get his arrear of salary for the period 1973 even till 2009, he cannot be allowed to now raise this issue. The University is neither expected nor required in law to maintain the records of an employee working in the year 1973. The rule regarding maintenance of records alike absentee statement on the basis of which payment of salary can be made has a life of maximum period of five years. In that view of the matter, this Court would not be in a position to direct the respondents to make payment of alleged arrear of salary of the petitioner.

With the aforementioned observation, this application is disposed of.

Nothing said in this order, however, will go against the petitioner in his agitating the grievance for payment of his arrears of salary but it is made clear that in view of the law laid down by the Apex Court in the case of *Union of India v. Tarsem Singh* reported in (2008) 8 SCC 648, no fresh writ application for such stale claim shall not be maintainable.

(Mihir Kumar Jha, J)

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