

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21828 of 2013

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Ram Balak Pandey, S/o Late Swaroop Pandey, resident of New Colony, behind
Sanjay Cinema, P.O.- M.I.T., P.S.- Brahmapura, District- Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna
2. B.R. Ambedkar Bihar University, Muzaffarpur through its Registrar
3. Vice-Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur
4. Registrar, B.R. Ambedkar Bihar University, Muzaffarpur
5. Principal, Mahila Shilpa Kala Bhawan College, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Abhinav Srivastava, Advocate

For the University : Mr. D. Mukherjee, Sr. Advocate &
Mr. Md. Nazir Ansari, Advocate

For the State : Mr. Vivekanand Singh, A.D to G.A.-8

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 19-01-2015

Claim of the petitioner is for difference of
salary/arrears of salary on the post of a Demonstrator in
Physics for the period 20.11.1982 to 31.12.1995.

The short facts are that the petitioner was
appointed on the said post, his service came to be regularized
by a notification, issued by the University, contained in
Annexure-5, dated 31.01.1996. His case is that, prior to
regularization, he was not being paid his regular salary and the

present writ application is only for a direction to pay the difference between what was made over to the petitioner as salary in an ad-hoc manner and the rightful claim of the petitioner on the pay-scale available to him.

Let the University do the calculation with regard to payment made to the petitioner for the period in question vis-à-vis his entitlement based on the pay-scale, which was available to him as a regular Demonstrator under the University. The said calculation and entitlement must be worked out and if the difference is found in the actual payment vis-à-vis the entitlement, the same will be paid to the petitioner within a period of three months.

The counter affidavit of the University on this aspect of the matter has not been answered. A plea taken in the counter affidavit has no relevance to the issue raised by the petitioner and noticed above.

The writ application is allowed with the above direction.

(Ajay Kumar Tripathi, J)

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