

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1583 of 2014

In

Civil Writ Jurisdiction Case No. 20389 of 2012

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1. Akash Amar Son of Late Dr. Amrendra Kumar resident of Mohalla- Sant Sadan, Machhali Gali, Jakkanpur, P.O.- Gardanibagh, P.S. Jakkanpur, District- Patna.

2. Jai Narayan Prasad Yadav Son of Late Ramyad Prasad Yadav Resident of Village Hariharpur, P.O.- Hajipur, P.S.-Sadar, Hajipur, District- Vaishali.

.... Petitioners

Versus

1. Pandit Chande, The Vice Chancellor, Baba Saheb B.R. Ambedkar Bihar Universtiy, Muzaffarpur

2. Vivekanand Sukla, The Registrar, Baba Saheb B.R. Ambedkar Bihar University, Muzaffarpur.

3. J.P.N. Sinha, The Finance Officer, Baba Saheb, B.R. Ambedkar Bihar University Muzaffarpur.

4. Dr. Tarkeshwar Pandit, The Principal Jamuni Lal College, Hajipur (Vaishali)

.... Opp.Parties

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Appearance :

For the Petitioner/s : Mr. Vasant Vikas

For the Respondent/s : Mr. Harendra Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

2 03-07-2015 Heard learned counsel for the parties.

Having regard to the fact that the opposite parties by filing a show cause reply today have taken a stand that the amount admissible and payable to the petitioners has been sought to be paid on 1st July, 2015 by two cheques as mentioned in paragraph no.7 of the show cause reply, this Court would not take this a substantial compliance of the order keeping in view that such payment in view of the order of this Court dated 27.9.2013 was to be made within a period of three months. Thus, the fact that such

payment was not made in the aforementioned period of three months and in fact even after filing of the contempt application on 19.4.2014, the payment now sought to be made only after the matter was taken up on the last occasion will go to show that the authorities of the University have taken a policy not to comply the order of this Court till a contempt application is filed and that it is taken up for hearing.

Considering all these aspects this Court would accept the cause shown and would not initiate a contempt proceeding only on the condition that the Registrar of the University must pay interest on the amount of salary so disbursed to the petitioner for the period January, 2014 i.e. after expiry of the period of three months to the month of June, 2015 @ 9% per annum. The compliance of this order will be a condition precedent for a Registrar to draw his own salary and if he does not pay the interest to the petitioner within the next 15 days, he shall not draw his own salary till he would not make payment of interest to the petitioner.

With the aforementioned observations, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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