

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.730 of 2005

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Prof. Jai Narayan Tiwari son of Late Santoshi Tiwari, R/O AT & PO. Kulharia, PS-Parbatta, Distt-Khagaria at present, residing at Progressive Colony, Jai Prakash Nagar, Bhut Nath Road, Patna-20 retired University Professor and Professor-in-Charge, Prabhu Nath College, Parsa. Distt-Chapra (Saran). Petitioner/s

Versus

1. The State of Bihar.
2. Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur, through its Registrar Shri Dr. Amjad Ali Khan.
3. Shri Asheshwar Prasad Yadav, Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
4. Shri Dr. Amjad Ali Khan, Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
5. Jai Prakash University, Chapra through its Registrar Shri Md. Gholam Mustafa.
6. Shri Jitendera Singh, Vice Chancellor, Jai Prakash University, Chapra.
7. Shri Md. Gholam Mustafa, Registrar, Jai Praksh University, Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : MR. MAHESH NARAYAN PARBAT, SR. ADVOCATE
MR. PRAVEEN PRABHAKAR, ADVOCATE
For J.P. University : MR. MRIGENDRA KUMAR, ADVOCATE
For BSBRAB University: MR. SANTOSH KUMAR, ADVOCATE
For State : MR. P.K. SINGH, AC TO GA-10.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL JUDGMENT
Date: 09-08-2016

Heard learned counsel for the petitioner, learned counsel for the State as well as learned counsels appearing for the Universities.

The instant MJC has been pursued at the instant of petitioner on account of non compliance of intermediary order dated 25/06/2002 passed in CWJC No. 1898/2002 relating to bunch of the petitions. The matter relates to pre/post retiral benefit and further, the identification of rate of interest against deferred DA as well as Group Insurance along with calculation of days over entertaining prayer

relating to Earned Leave.

While instant petition remained pending, the aforesaid petition was allowed and the same happens to be reported in 2006(4) PLJR 369. Subsequently thereof, the University went to the Hon'ble Apex Court and as disclosed/admitted by the respective learned counsels, appeal before the Hon'ble Apex Court stood dismissed. It has also been submitted on behalf of the learned counsels for the Universities that they have complied with the order and all the petitioners were allowed to avail in terms of direction in the aforesaid judgment. However, learned respective counsels are not sure with regard to status of the petitioner.

That being so, considering the matter pending since 2005, on account of lapses at the end of office, I do not see it prudent to keep the matter alive henceforth in the background of positive assertion having made by the learned counsel for the University with regard to compliance in tune of final order. However, the interest of the petitioner should also be taken into consideration in the background of disclosure having been made at the end of learned counsels for the Universities.

Accordingly, the respective Universities are directed to search out the file relating to petitioner and in case, it is found that the final order has already been complied with which covers the order

impugned, then in that event, they have nothing to do furthermore. However, in case some sort of due still persists in terms of final judgment as referred above, then in that event, will do proper exercise to identify the amount and got the same paid to the petitioner within four months from today.

For effective compliance, a copy of the instant order be served upon learned respective counsels. In case there happens to be slackness/negligence/laches on the part of the Opposite Parties, then in that event, petitioner will be able to reagitate the matter and during course thereof, the Opposite Parties will have an opportunity only to the extent to defend themselves.

(Aditya Kumar Trivedi, J)

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