IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3125 of 2013

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Umesh Lal Karn S/O Late Shivnath Lal Das R/O Village- Simari, P.S.- Bisfi, District- Madhubani

.... Petitioner/s

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. The Registrar, B.R. Ambedkar Bihar University, Muzaffarpur
5. Principal, Nitishwar College, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Adv.
For the State : Mr. Sanjay Kumar, AC to AAG-6
For the University : Mr. Dhrub Mukherjee, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 17-02-2016

Heard learned counsel for the petitioner and counsel for the State as also counsel for the University.

In this case, the petitioner has sought different reliefs but has confined his relief to the extent that the service which the petitioner has rendered as a Cashier should also be taken into account notionally for the purpose of computation of retirement benefit.

As per the claim of the petitioner, he was appointed in the year 1977 as a Cashier in the Nitishwar College, Muzaffarpur under the Bihar University, Muzaffarpur and later on, the college was taken over on 28.2.1981 and became one of the constituent units of the University. At the time of taking-over, he was discharging the duty of Cashier and later on he was assigned the charge of Accountant in the year 1985. Thereafter, he made a representation for regularization to the post of Accountant but, when no positive action was taken in his favour, the petitioner approached this Court in CWJC No. 6652 of 1997 which was disposed of by this Court on 27.10.1997 and, later on, in pursuance of that order, the Higher Education Department, Government of Bihar, Patna, vide letter no. 13/877 dated 28.4.2000, created the post of Accountant and absorbed the petitioner on that such post with effect from 27.10.1997 in the pay-scale of Rs. 1400-2300 though the petitioner at the initial stage has claimed that he could have been treated to be regularized from the date he was discharging the duty and, later on, he has modified his claim and restricted his prayer that the period which he has discharged as a Cahier from the date of take-over of the college be also taken into consideration while making computation of the retirement benefit.

Learned counsel for the petitioner has conceded to this Court that he will not claim any arrear of salary or difference of salary before the period of regularization and only the period what he has discharged as a Cashier from the date the college was taken over be only taken into consideration for the purpose of computation of retirement benefit.

It is an admitted fact that the college was taken-over with effect from 28.2.1981 and from 1981 up to the date of the order of regularization as Accountant will be treated as he has discharged the duty of Cashier and that period will be taken notionally only for the purpose of computation of the retiral dues and he will not claim any other relief.

In such view of the matter, the petitioner will only be entitled to the aforesaid relief and no other relief with regard to any difference of salary or any arrear of salary.

With the aforementioned observation, this application is disposed of.

(Shivaji Pandey, J)

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