

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24767 of 2013

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Brij Bihari Prasad Son of Late Rajendra Prasad resident of mohalla - Shastri Nagar,
Jail Road, Police Station - Rampur, District – Gaya. Petitioner/s
Versus

1. The Magadh University through its Registrar.
2. The Vice Chancellor, Magadh University, Bodh Gaya, District - Gaya
3. The Registrar, Magadh University, Bodh Gaya, District - Gaya
4. The Finance Officer, Magadh University, Bodh Gaya. Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Virendra Prasad
For the Respondent/s : Mr. Vipin Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 30-06-2016

Heard learned counsel for the petitioner and learned
counsel for the University.

In this case, the petitioner is seeking the relief of first
A.C.P. and second A.C.P. in view of judgment reported in 2013 (1)
PLJR 233 (SC) (Sunni Prakash and Ors. v. State of Bihar and Anr.)
where the Hon'ble Supreme Court has an occasion to consider the
entitlement of benefits including A.C.P. to the employees working
in the Universities as well as in the Colleges.

The petitioner was a non-teaching employee of the
University, entered into the service vide letter no. 932/GI dated
23.06.1990, w.e.f. 30.07.1990 in the pay scale of Rs.580-860/- and
superannuated from service on 31.05.2011. It has been submitted
that the non-teaching employee of the University or constituent



Colleges formed the Federation and for their demand had gone for an indefinite strike, on that account, the student suffered a lot. One Sunni Prakash, student of Daroga Prasad Rai College, had written a letter to the Hon'ble Chief Justice of this Court and the same was treated as Public Interest Litigation, registered as C.W.J.C. No. 10870 of 2008, the Federation intervened in the case, after hearing the parties the Court disposed of the writ petition with directions such as the Federation to withdraw the strike and Govt. should honour its commitment, thereafter, the Federation had withdrawn its strike. The State of Bihar moved before the Hon'ble Supreme Court unsuccessfully and the Court has held that when a commitment has come from the State of Bihar, it should honour its commitment, not to resile, relevant to place reliance on judgment reported in 2013 (1) PLJR 233 (SC) (supra), on the basis of that judgment the counsel for the petitioner submits that the petitioner is entitled to the A.C.P..

The University has appeared, has not disputed the entitlement of ACP to the petitioner, but has submitted, the same has not been given to other employees. In the counter affidavit nowhere it has been stated by the University that not a single employee has been given the benefit of A.C.P. though vaguely the University has taken a plea that his case is under consideration along with the

other. If the right has been fructified on account of judgment of this Court and the Hon'ble Supreme Court then it is solemn duty of the University and the State Government to extend the benefit without unnecessary delay otherwise it creates dissatisfaction among the employees.

The counsel for the University has submitted that a Committee has been constituted and there is likelihood, the Committee would submit the report by 25th of July, 2016.

Be that as it may, if any employee has been extended the benefit of A.C.P. by the University, in that circumstances, the University is obliged to extend the same benefit to the petitioner within a period of three months from the date of receipt/production of a copy of this order,

It goes without saying that if the petitioner gets a higher salary on account of A.C.P., the consequential benefit with respect to the retiral dues will also be extended to him.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	8.7.2016
Transmission Date	