

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1715 of 2009

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Smt.Kanchan Sah, W/o Late Nand Lal Sah, R/o Muhalla Purab Tola, Durga Asthan,
Kahalgaon, P.O.+P.S. Kahalgaon, Dist. Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary (Higher Education), Human Resources Development Department, Government of Bihar, New Secretariat, Patna, Sri Anjani Kumar Singh.
2. T.M. Bhagalpur University through its Vice-Chancellor, Bhagalpur, Dr. Prema Jha.
3. Dr. Prema Jha, Vice-Chancellor, T.M. Bhagalpur University.
4. Dr. Vinay Kumar Singh, The Registrar, T.M. Bhagalpur University, Bhagalpur.

.... Contemnor Opp. Parties

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Appearance :

For the Petitioner/s : Mr. Shivendra Kishore, Adv.
For the State : Mr. Syed Md. Najmul Bari, AC to SC-20
For the University : Mr. Chandra Kant, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 12-01-2017

Learned counsel for the petitioner is directed to supply the deficit court fee with respect to reply to the show-cause of the respondent nos. 2 to 4.

In the present application, the petitioner is making a prayer for initiation of proceeding against the authorities of the T.M. Bhagalpur University as from the order dated 12.7.2006 passed in C.W.J.C. No. 5932 of 2006, the Court had directed to pay the admitted terminal dues of the husband of the petitioner and dues of the petitioner on account of family pension be paid to the petitioner



within a period of three months from the date of order and it has been observed that in the event the husband of the petitioner is found to receive any arrear of salary, the same be also released and paid.

A show-cause has been filed by the Bhagalpur University wherein item-wise payment made to the petitioner has been mentioned such as arrear of pension from 10.2.2005 to July, 2005, amount of gratuity Rs. 3,48,996/-, Unveiled leave encashment, Un-deposited provident fund and leave encashment. So far leave encashment is concerned, the University has calculated entitlement of 123 days after adjusting leave encashment of 75 days. Accordingly, payment of Rs. 73,616 has been made to the petitioner and withheld Rs. 73,075/-. As per petitioner, he is entitled to the leave encashment for 198 days and the amount comes to Rs. 1,47,591/-. Apart from this controversy, the petitioner has not raised any other dispute.

In that view of the matter, if the petitioner feels that he has wrongly been done with him, he will be at liberty to file an application before the Registrar, T.M. Bhagalpur University who will examine the case of the petitioner, will take a decision in accordance with law within a period of six months from the date of filing of an application. If any amount found due, that also must be paid to the petitioner within the same period of aforesaid six months.

With the aforesaid observation and direction, this



application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.01.2017
Transmission Date	

