

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3735 of 2016

IN

Civil Writ Jurisdiction Case No. 13725 of 2015

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Binay Kumar Roy, son of Late Ambika Roy, resident of Harrakh, P.S. + District-Begusarai, retired as Associate Professor in the subject of English S.B.S.S. College, Begusarai.

.... Petitioner

Versus

1. The State of Bihar through Sri R. K. Mahajan presently posted as Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. Sri Saket Kushwaha, presently posted as Vice-Chancellor, Lalit Narayan Mithila University, Darbhanga.
3. Dr. Ajit Kumar Singh, presently posted as Registrar, Lalit Narayan Mithila University, Darbhanga.
4. Sri Anil Jha, presently posted as Finance Officer, Lalit Narayan Mithila University, Darbhanga.
5. Sri Lakshman Jha, presently posted as S.B.S.S. College, Begusarai.

.... Respondents

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Appearance :

For the Petitioner/s	: Mr. Shashi Bhushan Singh, Advocate
For the University	: Mr. Ajay Behari Sinha, Advocate
	Mr. Upendra Kumar Singh, Advocate
For the State	: Mr. Vinay Kumar Mishra, A.C. to A.A.G.-15

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 22-12-2017

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

Today, the University has paid the amount of Group Insurance along with interest at the rate of 12.5% to the petitioner.



Now, only the limited issue has been left out with respect to the manner earned leave has been calculated since 1998.

As per the University, the payment has wrongly been made to the petitioner under the heading for earned leave for 131 days i.e. the period of strike.

Learned counsel for the University submits that these issues will be settled within 10 days after Christmas holiday and if it is found that the payment has rightly been made to the petitioner, the same will not be adjusted in any manner by the University. But if it is found that the payment has wrongly been made, in such circumstance, the University will have a right to adjust the said amount.

It is made clear that if the University intends to take such action of recovery of amount, the University will be obliged to give a notice to the petitioner and after proper inquiry any action can be taken against the petitioner. The University is directed to serve the details of the manner of payment of earned leave from 1998.

As by and large the issue has already been settled, there is no need to proceed further in the matter. Accordingly, this contempt proceeding is dropped, but subject to the condition that if the University would fail to resolve the dispute as has been undertaken by the learned counsel for the University in presence of



Deputy Registrar of the University, the petitioner will be at liberty to file a short affidavit for revival of this case. If any amount of earned leave is found to not have been paid, the same will be paid within three weeks thereafter.

Accordingly, this contempt application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	04.01.2018
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