

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18552 of 2017

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Raghwendra Vikram Singh Gautam, Son of Satish Shankar, Resident of Sita Sadan, Maharaja Hatta, Ara, P.O.- Ara, P.S.- Nawada, District- Bhojpur at Ara. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Higher Education, Govt. of Bihar, Patna.
3. Veer Kuwar Singh University, Ara through its Registrar.
4. The Vice-Chancellor, Veer Kuwar Singh University, Ara.
5. The Registrar, Veer Kuwar Singh University, Ara.
6. The Finance Officer, Veer Kuwar Singh University, Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Respondent no.3 and 6

(University) : Mr. Rajesh Prasad Choudhary, Adv

For the State : Mr. Madhukar Mishra, AC to SC-16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

2 20-12-2017 Heard learned counsel for the petitioner, State and the counsel appearing on behalf of the Veer Kuwar Singh University.

The grievance of the petitioner in the instant writ petition is non-payment of difference of arrears of salary for the different period as mentioned in para-1 of the writ application.

Counsel for the respondents submits that petitioner has approached after retirement and as such he submits that the writ petition does not merit any consideration in view of the fact that the petitioner has superannuated.

The court is unable to accept the submission in view of the law laid down by the Apex Court reported in (2008) VIII



648 wherein the Supreme Court has held out that salary and pensions are continuing cause of action, the respondents are under as such obligation to consider the case of the petitioner and take final decision with regard to claim of the petitioner for payment of difference of arrears of salary, if not already taken, the respondents are required to take final decision within a period of three months from the date of receipt/production of a copy of this order.

In case, the petitioner is found entitled to payment of difference of arrears of salary, it must reach the petitioner within a period of four months from the date of receipt/production of a copy as indicated hereinabove.

In the event of failure on the part of the respondents in the payment of admitted dues the arrears will carry 12 per cent interest per annum from the date of retirement till the date of actual payment and the same shall be borne out from the pocket of the erring officials of the University and the Registrar, Veer Kuwar Singh University shall realize the interest from them after fixing accountability.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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