

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17258 of 2014

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1. Vinay Mishra S/o Late Mayanand Mishra Resident of Village Bhattapura, P.S. Manigachhi, District Darbhanga.
 2. Satyendra Jha S/o Late Surendra Jha Resident of Village Tarauni, P.S. Bahera, District Darbhanga.
 3. Amindra Nath Mishra S/o Late Dukhharan Mishra Resident of Village Phulkari, P.S. Raiyam (Kyoti), District Darbhanga.
 4. Satya Narayan Jha S/o Late Ram Jha Resident of Village Pachrhi, P.S. Pandaul, District Madhubani.
 5. Ram Sundar Rai S/o Late Nena Prasad Rai Resident of Dharauda, Post Bahera, P.S. Bahera, District Darbhanga.
 6. Brahma Deo Jha S/o Late Hari Kishore Jha Resident of Village Hanuman Nagar, Post Bhaur, Via Sohat, P.S. Pandaul, District Madhubani.

... .. Petitioner/s

Versus

1. The Kameshwar Singh Darbhanga Sanskrit University, Darbhanga through its Registrar.
2. Vice Chancellor, Kameshwar Singh, Darbhanga Sanskrit University, Darbhanga.
3. Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocate
		Mr. Roushan Ujjwal, Advocate
For the Respondent/s	:	Mr. Awadhesh Prasad Sinha
For the K.S.D.S. University	:	Mr. Gyanand Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 28-08-2018 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the University.

The grievance of the petitioners in the present writ application is denial of consequential benefit of promotion of the petitioners as Assistant.

Referring to Annexure-1 learned counsel for the petitioners submits that the petitioners have been granted the



status of Assistant with effect from 1.12.1989 and petitioners were also found entitled to sixth pay revision as well as arrears of salary from 01.12.1989 to 28.02.2013 but the actual benefit has not been paid to the petitioners. If the respondents have already granted promotion to the petitioners, it is incumbent upon the University to work out the actual monetary benefit available on account of promotion (Vide Annexure-1). If the respondents have not worked out and paid the arrears, the arrears of the difference of salary from 01.12.1989 to 28.02.1989 and the benefit of sixth pay revision with effect from March, 2013, the University may take appropriate steps and ensure payment of the same within a period of four months from the date of receipt/production of a copy of this order.

It appears from the counter affidavit filed in different writ applications that State has allocated sufficient fund for payment of arrears and current salary as well as pensionary benefits to the University and also indicated by the State that as and when appropriate fund is required, the University may raise demand with utilization certificate of the previous amount, the State Government will release the fund for the needful.

In view of the above, in case of financial constraint the University may raise demand to the State Government and



the State Government on verification of the utilization certificate for the previous sanctioned fund to the University may further sanction the fund to the University so that the payment admissible to the petitioners be paid to the petitioners within a further period of two months from the date of raising such demand by the University.

In view of the above the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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