

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19527 of 2014

Nathuni Pandit Son of Late Jhingur Pandit Resident of Village - Patahi Hari,
P.O. - Patahi, P.S. - Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development, Government of Bihar, New Secretariat, Patna (Bihar).
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Patna (Bihar).
3. The Secretary (Higher Education), Human Resources Development Department, Government of Bihar, New Secretariat, Patna (Bihar).
4. The Secretary, The Managing Committee, Human Resources Sri Krishna Jubilee Law College, Muzaffarpur.
5. Principle, Sri Krishna Jubilee College, Muzaffarpur.
6. Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur, through its Vice-Chancellor.
7. The Vice-Chancellor, Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur.
8. The Finance Controller, Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Advocate
For the Respondent/s : Mr. Lokesh Kumar Singh, AC to AAG-13.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 18-08-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ application is non-payment of dearness allowance for the period 01.04.1992 to 29.02.2008.

Learned counsel for the petitioner submits that earlier the petitioner has approached this Court and this Court passed order in favour of the petitioner vide Annexure-1 dated



26.7.2011. Thereafter, the petitioner has filed contempt application for non-compliance of the direction issued by this Court in C.W.J.C. No. 13929 of 2008 dated 26.07.2011.

The contempt court vide order dated 12.09.2013 granted liberty to the petitioner to approach the State Government for the purpose of payment. Thereafter, the petitioner filed representation addressed to the Principal Secretary vide Annexure-5.

Learned counsel submits that matter is still pending before the Principal Secretary and there is no decision one way or the other is passed by the respondent Principal Secretary.

In the instant case a counter affidavit has been filed on behalf of the State wherein stand was taken that time and again the State Government has released fund for payment of arrears and current salary to the teaching and non-teaching employees of the University and as such the question of lack of fund does not arise. It is for the University as well as the College to examine the entitlement and take appropriate decision with regard to payment.

Under the aforesaid circumstances, the writ petition is disposed of with direction to the respondent University as well as college to examine the claim of the petitioner for payment of



arrears of dearness allowances if otherwise admissible keeping in view of Annexure-R/1 dated 27.4.2017 whereby Rs. 544,27,29,479/- was released by the State Government towards payment arrears of salary and pension etc.. In case, funds are available with the University or the College, the same may be utilized on payment of admissible due of the petitioner.

Necessary decision in this regard may be taken by the respondents within a maximum period of three months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

It is made clear that this Court has not gone into the calculation or the claim of allowance admissible in view of the earlier adjudication made by this Court. The respondents shall also consider the issue of discrimination in the matter of payment of dearness allowance as petitioner claims that the similarly circumstanced others have been paid dearness allowance but the petitioner was discriminated.

(Anil Kumar Upadhyay, J)

Ravi/-

U			
---	--	--	--

