

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 20161 of 2016

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Rajeshwar Choudhary, Son of Late Radha Krishna Choudhary, Resident of Sharda Nagar, Town and P.S.- Rosera, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Commissioner cum Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Director (Higher Education), Department of Human Resources Development, Government of Bihar, Patna.
4. Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga through its Registrar.
5. The Vice- Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
7. The Finance Officer, Lalit Narain Mithila University, Kameshwar Nagar, Darbhanga.
8. The Principal U.R. College Rosera, District- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate
For the L.N.M.U. : Mr. Arun Kumar Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 07-08-2018

Heard learned counsel for the petitioner; State and L.

N. Mithila University (hereinafter referred to as the 'University').

2. The petitioner has moved the Court for the following
reliefs:

A) For issuance of appropriate writ/writs directing the respondent to ensure payment of all post retirement benefits of the petitioner after correct fixation of his pension on account of his retirement as Assistant Professor of Physics from U.R. College, Rosera with effect from 30.6.2014.



B) For any other relief/reliefs; including payment of cost and interest; to which the petitioner is found entitled under the facts and circumstances of the present case.”

3. The only controversy which remains was with regard to D.A. and H.R.A. By various orders and also the State officials appearing before the Court, finally, the position which emerges, is that there is a categorical stand on behalf of the State that other Universities have been paying such dues to the employees and only L. N. Mithila University has raised this bogey and, thus, the onus is on the University to pay the amount to its employees without any State involvement. Learned counsel for the University submitted that they have been releasing sufficient funds to make payment and for which no separate fund especially earmarked for these two heads is required. It has further been clarified that the University paying it to its employees shall not be taken adversely by the State. Though further adjournment for four weeks was sought for coming out with a final position on behalf of the State, but in view of the stand taken before the court today by learned counsel for the State, it is not deemed necessary to keep the writ petition pending.

4. Learned counsel for the University took a categorical stand that they shall make the payment of such dues to the petitioner within three weeks from today.



5. In view of the position emerges above, the writ petition stands disposed off in light of the stand of the State Government and that of learned counsel for the University with regard to making payment to the petitioner.

6. The Court would only indicate that as the order has been passed on the stand taken by learned counsel for the University itself, if any violation of the same is brought to the notice of the Court, the same shall be taken seriously.

(Ahsanuddin Amanullah, J.)

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