

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9322 of 2017

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1. Raghubansh Narayan Singh Son of Late Banke Bihari Singh, Resident of Mohalla- Damuchak, P.S.- Kazi Mohammadpur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resource Department, Government of Bihar, Patna.
2. Baba Sahab Bhim Rao Ambedkar Bihar (BREB) University, Muzaffarpur through its Vice Chancellor, BRAB University, Muzaffarpur.
3. The Registrar, BRAB University, Muzaffarpur at Muzaffarpur.
4. The Finance Officer, BRAB University, Muzaffarpur at Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Nikesh, Adv.
For the Respondent/s : Mr. Ashutosh Ranjan Pandey-Aag15
Mr. Mrigank Mauli, Adv.
Mr. Sanket, Adv.
Mr. Amrendra Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-04-2018 Heard learned counsel for the petitioner and counsel appearing on behalf of the State.

Petitioner is aggrieved by the action of the respondent in not granting the consequential benefit arising out of Annexure-3. Vide office order dated 11.08.2015, along with others petitioner was granted first ACP /second ACP but the consequential monetary benefit was not made available to the petitioner.

On behalf of the State, counter affidavit was filed stating therein that State has allocated adequate fund to the University for payment of dues. No counter affidavit was filed on behalf of the



University. Although the Court finds the statement in the counter affidavit is most vague that funds have been allocated for payment of dues to the employees of the university. However, the Court finds that the respondents-State has not disputed the entitlement of the petitioner and the University has granted such promotion under ACT scheme, the respondents are required to ensure payment of the monetary benefit arising out of Annexure-3 within a period of 60 days from the date of production of a copy of this order.

In the event the University is facing financial constraint in payment, the University may raise demand from the State for allocation of additional fund and in case such demand is raised by the University along with the utilization certificate of the previous allotment, State authorities are under obligation to allocate additional fund for payment of the dues to the petitioner and alike within a further period of one month from the date of raising demand by the University. Entire exercise for payment of the dues of the petitioner may be completed by the University and State within a maximum period of six months from the date of receipt of a production of a copy of this order.

Sanjeev/-

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(Anil Kumar Upadhyay, J)