

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17540 of 2016

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Ram Balak Chaudhary S/O Late Firan Chaudhary, resident of Village & Post-
Pabra, P.S. Cheriya Bariyarpur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner cum Secretary, Higher Education Department Government of Bihar, Patna.
3. The L.N. Mithila University through its Vice Chancellor, L.N. Mithila University Kameshwar Nagar, Darbhanga.
4. The Registrar, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
5. The Finance Officer, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
6. The Pension Officer, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
7. The Principal, R.C.S. College Manjhaul, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Niraj Kumar, Advocate
For the University	:	Mr. Ajay Bihari Sinha, Advocate
For the State	:	Mr. Kameshwar Kumar, G.P. 17
		Mr. S. K. Ranjan, A.C. to G.P. 17

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 09-03-2018

Heard learned counsel for the petitioner; State and L.N.

Mithila University (hereinafter referred to as the ‘University’).

2. The petitioner had initially moved the Court for the following reliefs:

“(i) For issuance of an appropriate writ in the nature of Certiorari to quash the order vide letter



no. 273/16 dated 09.08.2016 along with all consequential order letter memo no. LC-1348-50/08 & LC-1351/08 dated 05/09/2008 passed by the Respondent no. 4 whereunder the Respondents no. 4 again restored the above said impugned notifications by which the Respondent No. 4 reverted back the petitioner in lower scale of Rs. 4500-7000/- for the post of Librarian instead of scale of Rs. 6500-200-10500/- and pension of the petitioner has been fixed at lower stage of Rs. 4003/- per month instead of Rs. 5450/- per month w.e.f. 01.04.2004 and also on that basis a recovery of Rs. 4,85,400/- has been made from the petitioner under different heads i.e. pension, Gratuity, Leave Encashment, Group Insurance for the period of from 01.01.1986 to 31.03.2004 after four (4) years of his retirement which has already been set-aside by the Hon'ble Chancellor vide letter memo no. 24/2009-1374/GS (I) dated 16.09.2014.

(ii) For issuance of an appropriate writ in the nature of mandamus or any appropriate writ/writs, order/orders, direction/directions commanding the Respondent Authorities to fix/restore the pension of the petitioner of Rs. 5450/- per month on the basis of last pay drawn in revised Scale of Rs. 10,900/- (as per 6th Revised Scale) fixed by the Respondent no. 4 through vide memo no. 9093/C dated 03.06.2006 and refund the amount, if any curtailed.

(iii) For issuance of direction to the Respondents to make payment of arrears of difference pension and other amounts which is kept by the University in different heads i.e. Leave Encashment, Group Insurance, Arrears of differences of salary from the period of 1981-96 & Deferred D.D.A. etc. and provide the calculation chart to the petitioner.

(iv) For issuance of direction to the respondents to make all due payments with 18% penal interest per annum and also to pay exemplary cost due to latches and harassing attitude of the Respondents.

(v) For issuance of any other appropriate order/orders, direction/directions as your Lordship may deem fit and proper in the facts and



circumstances of the case.

3. However, due to development subsequent to the filing of the writ petition, a supplementary affidavit has been filed on behalf of the petitioner in which a chart dated 13.02.2017 has been brought on record to indicate that the scale which was earlier held not admissible to the petitioner has finally been held to be payable to the petitioner.

4. In view of the fact that recovery had been made and pension re-fixed on the ground that the petitioner was not entitled to pay scale of Rs. 6500-10500/- and subsequently the chart brought on record by the petitioner in the supplementary affidavit showing that the scale of Rs. 6500-10500/- has been held admissible to the petitioner, learned counsel for the University submitted that now only the consequential act of re-fixing the pensionary benefits and returning whatever had been deducted is required to be undertaken. He assures the Court that the same will be done within two months.

5. Having considered the aforesaid, the writ petition stands disposed off with a direction to the respondents no. 4, 5 and 6 to ensure that the consequential exercise in terms of the chart dated 13.02.2017, is taken to its logical conclusion and the petitioner is paid his dues within two months from the date of production of a copy of this order before them. Further, the dues of the petitioner



towards leave encashment, group insurance and arrears of difference of salary as claimed by him as well as deferred D.A. be also paid, in accordance with law and the entitlement of the petitioner, within the same period.

(Ahsanuddin Amanullah, J.)

P. Kumar

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