

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14582 of 2018

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Mohammad Hussain, S/o Mohammad Zainul Abdin, Resident of Village-Pokharia,
Ward No. 35, District-Begusarai, retired as Assistant from G.D. College, Begusarai,
a Constituent Unit of L.N. Mithila University, Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Vice-Chancellor, Lalit Narayan Mithila University, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Darbhanga.
6. The Principal, G.D. College, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 25-09-2018

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

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

2. In terms of the order dated 05.09.2018, the Vice
Chancellor and Registrar of the University are present.

3. The orders dated 29.08.2018 and 05.09.2018 disclose
the reason why the Court was constrained to call the officers. In the
show cause filed, the stand is that the person, who was responsible
for not responding to the request of learned counsel for the
University for sending instructions in terms of the direction of the
Court has been warned and further, that he had been cautioned that if
such conduct is repeated, disciplinary action shall be taken against



him. The Court has also sensitized the officers with regard to their obligation to co-operate with the Court which in turn depends on proper assistance to their counsel as he is their face before the Court and has to put up their side of the story by way of an affidavit. The Court would only indicate here that such warning should be entered into the service record of the person concerned so that it is an effective deterrent for him not to repeat such conduct.

4. Coming to the merits of the matter, it would be useful to indicate the reliefs sought which are as under:

“(i) For issuance of an appropriate writ in the nature of Mandamus, Commanding and directing the respondent authorities to make payment the difference of retiral dues such as gratuity, earn leave and arrears of pension from 1.9.2008 till date on the basis of pay scale Rs. 15,600-39,100/- with Grade pay Rs. 6600/- which has been fixed on account of grant of Ist ACP and IInd ACP in compliance of order passed in Civil Appeal No. 516/2013 order dated 18.01.2013 (State of Bihar & ors. V Sunny Prakash & ors.) as the petitioner has been paid his post retiral dues in the pay scale of Rs. 5000-8000/- and also payment of GIC and DDA @ 12.5% and 9% compound interest in view of judgment reported in 2006, Vol-IV, PLJR page 369 and Medical allowances as per Govt. notification since the University employees are also entitled to get the similar relief in view of statute.

(ii) For issuance of an appropriate writ in the nature MANDAMUS, commanding and directing the Respondent authorities to make payment the aforesaid dues with interest on account of delay in payment since due to laches on the part of the respondent University the petitioner is suffering.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”



5. From the pleadings on record and the submissions made before the Court today, the position which emerges is that in terms of the entitlement of the petitioner fixed by the University itself, which is reflected from Annexure-4 of the writ petition, which relates to grant of ACP and MACP, the University has forwarded the consolidated demand to the State Government for release of funds. This is the only claim remaining of the petitioner which necessarily would include pre and post retiral benefits and their consequential revisions.

6. Learned counsel for the State submitted that he would be reiterating the stand of the State of Bihar which is reflected from the order of the Hon'ble Supreme Court in Contempt Petition (C) No. 262 of 2013 in Civil Appeal No. 516 of 2013 dated 11.08.2017, in which it has been quoted that in the affidavit of the Principal Secretary, Education Department, Government of Bihar dated 18.07.2017. It has further been noted in the order that learned senior counsel representing the State of Bihar had taken a stand that actual disbursement was the responsibility of the concerned Universities and that the entire amount, as payable on account of arrears emerging out of revision of pay scales has since been released by the State Government to the individual Universities.

7. In view of the aforesaid admitted position, upon a



query of the Court about the time frame for payment, to learned counsel for the University and the officers present, the reply was that such dues of the petitioner shall be paid latest within a period of three months from today.

8. Having regard to the stand taken by the officers present today, the Court finds that the writ petition is not required to be kept pending.

9. Accordingly, the same stand disposed off with a direction to the University to ensure that the aforesaid remaining dues of the petitioner is paid to him expeditiously and latest within a period of 15 weeks from today.

10. The Court would only indicate here that since the Court has given much more time than what was asked for by the University, in the presence of its top two functionaries and the case being disposed off in light of such commitment, any deviation from the same shall result in serious consequences.

11. Personal appearance of the officers stands dispensed with.

(Ahsanuddin Amanullah, J.)

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