

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15869 of 2017

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Dr. Dinesh Singh, S/o Late Jagarnath Singh, R/o Ward No. 2- Shastri Nagar,
Chandauli, P.S. Chandauli, District- Chandauli (Uttar Pradesh).

.... Petitioner/s

Versus

1. The Magadh University through the Registrar, Magadh University, Bodh Gaya,
District- Gaya.
2. The Registrar Magadh University Bodh Gaya.
3. The Principal, Gaya College, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Magadh University : Dr. Kumar Amitesh Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 24-07-2018

Heard learned counsel for the petitioner and Magadh
University (hereinafter referred to as the 'University').

2. Basically the petitioner was aggrieved by non payment
of his unutilized earned leave, which according to him was for 235
days.

3. A counter affidavit has been filed on behalf of the
University, in which they have accepted that in the leave account of
the petitioner 235 days are shown, but because of the strike period of
32 days, the same has been adjusted and, thus, balance of 203 days
has been found admissible and the same has also been paid. In the
counter affidavit, the stand is that out of the total amount of Rs.
4,46,829/-, earlier Rs. 2,52,488/- was paid to him in the year 2008



itself i.e., soon after the superannuation of the petitioner on 31.08.2008. However, the remaining amount of Rs. 1,94,341/-, has been paid on 08.02.2018.

4. Having regard to the aforesaid, when there is no controversy with regard to the amount of earned leave in the account of the petitioner i.e., 235 days, and payment made for 203 days after adjusting the strike period of 1982, for 32 days, the remaining payment having been made, the Court finds that the grievance of the petitioner stands redressed.

5. However, learned counsel for the petitioner submitted that the remaining amount of Rs. 1,94,341/- has been paid after almost 10 years without there being any fault or laches on the part of the petitioner, for which he be compensated.

6. On a query of the Court to learned counsel for the University, he fairly submitted that in the instructions received, the delay has not been explained.

7. The Court, thus, in principle finds substance in the contention of learned counsel for the petitioner that he be compensated for the delay. However, the same shall have to be balanced taking into account the fact that the petitioner has also approached the Court after almost 10 years in the present writ application. Thus, balancing the equity, the Court is of the opinion



that ends of justice would be served, by awarding payment of a consolidated amount of Rs. 50,000/-, to the petitioner. The same be paid within four weeks from the date of production of a copy of this order before the Registrar of the University.

8. The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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