

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12923 of 2018

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Prof (Retd.) Umesh Prasad S/o Late Dwarika Prasad, resident of 204, Usha Krishna Enclave, South of Amarnath Mandir, Bhootnath Road, Plot No. 26 District- Patna.

.... Petitioner/s

Versus

1. The Magadh University, Bodhgaya through the Registrar of the University.
2. The Vice-Chancellor, Magadh University, Bodhgaya.
3. The Registrar, Magadh University, Bodhgaya.
4. The State of Bihar through the Principal Secretary, HRD Department Government of Bihar, Patna.

.... 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: 24-07-2018

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

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

“That this writ application is being filed for issuance a writ in the nature of Mandamus asking and commanding the respondent authority to pay to the petitioner (who retired as on Associate Professor under Respondent no. 1) on 31.01.2009 the revised pension taking into account full Pension on 20 years of qualifying service in place of 33 years in the light of Govt. notification no. 50 dated 15.01.16 read with para-16 of the retirement benefit statute for the universities, section-II relating to payment of



Pension and various court judgments on the issue.

And

To pay the arrears arising therefrom with suitable interest.”

3. In view of the stand taken in the counter affidavit filed on behalf of the University accepting the claim of the petitioner, as per the decision taken by the State Government contained in Memo No. 1086 dated 20.06.2018, and all consequential benefits having been worked out, and that payment would be made within one month from the day the State releases the fund, the writ petition is not required to be kept pending.

4. Having regard to the fact that the State has taken a conscious decision to extend such benefit, it has to release the fund, which would be required to be paid the actual beneficiary. On a query of the Court to learned counsel for the State as to how the amount would be released, he submitted that the same would be done expeditiously. However, the Court would observe that the State should ensure that such benefit is not withheld for long and is released expeditiously and not beyond two months from today.

5. The Court would only indicate here that the said amount based on the calculation made by the University should be forwarded to the State Government by way of requisition within one month from today.



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

(Ahsanuddin Amanullah, J.)

P. Kumar

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