

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.506 of 2018

Arising out of

Civil Writ Jurisdiction Case No.5324 of 2016

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Savitri Choudhary, Wife of Late Dr. Abhya Nandan Prasad Choudhary,
resident of village Dhebahan, P.O. Kanti, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sri R.K. Mahajan, Principal Secretary, Education Department, Government of Bihar, Patna.
3. Prof. (Dr.) S.K. Singh, Presently posted as Vice-Chancellor, L.N. Mithila University, Darbhanga.
4. Mr. Mustafa Kamal Ansari, presently posted as Registrar, L.N. Mithila University, Darbhanga.
5. Mr. Amanul Haque, presently posted as Finance Officer, L.N. Mithila University, Darbhanga.
6. Dr. B.K. Choudhary, Principal, C.M. College, Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
For the LNMU	:	Ms. Binita Singh, Advocate
For the State	:	Mr. Priyadarshi Matin Sharan, AC to AAG 15

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 29-07-2019

Heard learned counsel for the petitioner; learned AC to
AAG 15 for the State and learned counsel for the L N Mithila
University (hereinafter referred to as the 'University').



2. Show cause has been filed on behalf of the University and rejoinder has also been filed on behalf of the petitioner.

3. The Court is thoroughly dissatisfied in the manner the University has filed its pleadings in the present case. The order of the Court dated 20.05.2016 passed in CWJC No. 5324 of 2016 was short and clear. It required the petitioner to represent and the University was required to consider and pay the admissible dues of the petitioner within three months, failing which the dues were to carry simple interest at the rate of 10% per annum.

4. From the aforesaid, it is clear that on the representation of the petitioner, whatever he had claimed head wise, a decision had to be taken and then whatever was either admitted or denied, a reasoned order was required to be passed and with regard to the admitted dues and details with regard to payment made, including calculation chart was to be prepared.

5. The petitioner had raised only two grievances with regard to earned leave and arrears of pension from February, 2003 to 31.12.2005. With regard to earned leave, he has specifically mentioned 217 days whereas the University has sanctioned him only 134 days but there is no calculation chart as to how the University has restricted the claim of the petitioner of 217 days and paid only for 134 days.



6. In the show cause filed on behalf of the University, it transpires that the prayer for payment of arrears of pension from February, 2003 to December, 2005 had been rejected on the ground that the petitioner had opted for a different option which did not provide for pension. With regard to payment of earned leave, the petitioner claims that he has still to be paid additional 34 days.

7. Learned counsel for the petitioner pointed out to the fact that his case is similar to the petitioner of CWJC No. 16404 of 2007 and its analogous cases and CWJC No. 13991 of 2017 and, thus, he is entitled to payment of pension.

8. The Court sitting in the present jurisdiction has only to see as to whether the order of the writ Court has been complied with by the authorities. As there was no specific direction on merit with regard to payment of pension or the number of days of earned leave, the authorities cannot be said to be in contempt if they have either denied or paid the earned leave for a lesser period. As the reason for denying pension has already been specified in the show cause, the petitioner, if so advised, may assail the same in accordance with law before the appropriate forum. With regard to payment of earned leave, the University shall serve detailed calculation chart as to how they have arrived



at the figure of 134 days and serve it to the petitioner within two weeks from today. The petitioner shall be equally at liberty to assail the same before the appropriate forum, in accordance with law.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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