

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 24301 of 2019

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Sushil Mohan Prasad Singh (Male), aged about 76 years, Son of Late Shyam Prasad Singh, Resident of Village and P.O.- Pokhraise, P.S.- Samastipur Muffasil, District- Samastipur, the retired Laboratory Incharge, Department of Chemistry, Uma Pandey College, Pusa, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Registrar Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
7. The Principal Uma Pandey College, Pusa, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate
For the State	:	Mr. Madhaw Prasad Yadaw, GP 23
		Mr. Rajesh Kumar Sinha, AC to GP 23
For the LNM University :		Mr. Md. Nadim Seraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 06-12-2019

Heard learned counsel for the petitioner; learned AC to GP 23 for the State and Mr. Nadim Seraj, learned counsel for the Lalit Narayan Mithila University, Darbhanga (hereinafter referred to as the 'University').

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



“(I) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to make payment of pensionary benefits like pension, gratuity, earned leave and other admissible dues pursuant to the pay fixation made by the Respondent University in the year 2017 whereby and where under the petitioner was granted the pay-scale of Rs. 4500-7000 with effect from 01.01.1996 and the pay-scale of Rs. 5500-9000 with effect from 09.08.1999 on account of grant of benefits of first A.C.P.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to make the aforesaid payment with interest on the ground that delay in payment on account of revision of pay-scale is directly attributable on the part of the Respondents.

(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.”

3. Learned counsel for the petitioner submitted that pursuant to his retirement, he was granted ACP but the benefit accruing out of the same has not been paid to him.

4. Learned counsel for the University submitted that if the petitioner has been granted ACP, consequential benefits, including arrears shall be paid to him.

5. Having regard to the aforesaid, the application stands disposed off directing the Registrar and the Finance Officer of the University (respondents no. 5 and 6) to consider the claim of the



petitioner, in accordance with law, and if it is found that he is entitled to the ACP benefits and the same has not been paid, they shall get appropriate calculation made with regard to the admissible dues of the petitioner and pass a reasoned order within two months. Depending on the order to be passed, if anything is found due and payable to the petitioner, the same shall also be paid to him within one month from the date of passing of the order.

6. The Court would only indicate that it has not expressed any opinion on the merits of the matter, which is left open to the authorities for taking a decision.

(Ahsanuddin Amanullah, J.)

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