

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7841 of 2020

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Ram Ishwar Prasad Son of Hulas Mahato Resident of Village- Bhuthakhar,
P.S.- Nagarnausa, District- Nalanda.

... .. Petitioner/s

Versus

1. The Patliputra University Patna through its Registrar.
2. The Vice Chancellor Patliputra University, Patna.
3. The Finance Officer Patliputra University, Patna.
4. The Magadh University Bodhgaya through its Registrar.
5. The Principal S.U. College, Hilsa, District- Nalanda.
6. The Principal Nalanda College, Biharsharif.
7. The Accountant General (A and E) Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bhola Kumar
For the Magadh University: Mr.Ritesh Kumar
For the Patliputra University: Mr. Anand Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 11-02-2021 Heard both sides.

The petitioner, in this writ petition, seeks following
reliefs:-

“(A) For issuance of a writ in the nature of Mandamus
commanding the respondents concerned to make payment of
arrear and current pension and other retirement benefits i.e,
gratuity, leave Encashment and group Insurance since
01.09.2018 and onwards along with interest to the petitioner.

(B) For passing any other order/s, command/s or
appropriate writ/s which your Lordships deem fit and proper in



the facts and circumstances of the instant case.”

The petitioner was admittedly appointed on 15.04.1981 on the post of Sorter in S.U. College, Hilsa (Nalanda). He worked on the said post in the college till 24.08.2012. On being transferred by the order of Registrar, Magadh University, Bodh Gaya vide letter No. 411-GIA dated 13.08.2012 he was relieved from S.U. College, Hilsa (Nalanda) to join on the post in Nalanda College, Biharsharif. The petitioner superannuated on 31.08.2018 from the post of Sorter from Nalanda College, Biharsharif after completion of 62 years of age.

When the pension was not paid to the petitioner, the petitioner filed representation before the authority stating therein that his service was regularized with effect from 16.10.1989 and he got time bound promotion such as ACP and MACP but pension, gratuity, leave encashment and Group Insurance have not been paid to the petitioner. The respondents- Patliputra University and Magadh University filed counter affidavit and stated that since the petitioner was working on the post of Sorter in S.U. College, Hilsa (Nalanda) and the post was not sanctioned even after the college being made constituent and he was transferred from S.U. College, Hilsa (Nalanda) to



Nalanda College, Biharsharif on 24.08.2012. The petitioner retired on 31.08.2018 and, therefore, he worked only for six years on the sanctioned post and, thus, the petitioner is not entitled to get pension.

The contention of the respondents is not acceptable at all. The petitioner worked after being appointed on the post of Sorter on 15.04.1981 in S.U. College, Hilsa (Nalanda) which was later on made constituent unit of the Magadh University. The service of the petitioner was terminated in the year 1984 but again by the order of the Vice Chancellor, as it appears from counter affidavit of the University, the petitioner was again reinstated and he worked on the post of Sorter in the constituent unit of the Magadh University till his retirement from that college to Nalanda College, Biharsharif on being transferred to the post of Sorter. The college and the University granted all in service benefits including pay revision, ACP and MACP to the petitioner treating the petitioner as regular employee working on the sanctioned post. The petitioner almost put 37 years of service and when he retired the respondents cannot take the stand that petitioner was working on unsanctioned post. The college and the University are estopped from taking such stand as by all actions the college and the University treated the



petitioner as regular employee and granted all benefits including time bound promotion such as ACP and MACP to the petitioner. Therefore, I find that petitioner is entitled to get all pensionary benefits after putting about 37 years of service in different colleges of the University. Accordingly, I direct the respondent-Patliputra University to make payment of all the retiral dues of the petitioner for which the petitioner is entitled to within four months from the date of receipt of this order.

With the aforesaid direction, this writ petition is allowed.

(Prabhat Kumar Jha, J)

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