

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 24663 of 2018

Ram Bilash Sahu, son of Late Bhikari Sao, resident of At + P.O.-Sarwarpur,
P.S.-Mehandiya, District-Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna.
2. Magadh University, Bodh Gaya through its Registrar
3. The Vice Chancellor, Magadh University, Bodh Gaya
4. The Registrar, Magadh University, Bodh Gaya
5. The Principal, Sheodeni Sao College, Kaler, Arwal

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Adv.
For the State	:	Mr. Rajeev Ranjan, AC to GP-20
For the Magadh University	:	Mr. Arabind Nath Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 30-06-2021 The present writ petition has been taken
up for consideration through the mode of Video
conferencing in view of the prevailing situation on
account of COVID 19 Pandemic, requiring social
distancing.

Heard the learned counsel for the
petitioner, the learned counsel appearing for the
Respondent-Magadh University, Sri Arabind Nath



Pandey and the learned counsel appearing for the State, Sri Rajeev Ranjan (AC to GP-20).

The writ petition has been filed for directing the Magadh University, Bodh Gaya, to take steps towards making payment of the outstanding amount under the head of arrears of pension, gratuity, leave encashment, difference of salary on account of grant of benefits of ACP and MACP and interest thereupon for the delayed payment.

It appears that during the pendency of the present writ petition, some payments have been made to the petitioner by the Respondent-University under the aforesaid heads, however, the learned counsel for the petitioner has referred to the rejoinder affidavit filed on behalf of the petitioner to contend that still some outstanding dues are remaining to be paid and the same has been detailed in paragraphs no. 6 to 11, which are reproduced herein below:-



"6. That it is stated here that during the pendency of the instant writ petition, as against a total of Rs. 7,21,696/- that the petitioner was entitled to in lieu of gratuity, an amount of Rs. 4,92,723/- was paid to the petitioner whereas an amount of Rs. 2,28,973/- remains to be paid.

7. That as against the due under the heading of earned leave encashment to the tune of Rs. 4,51,060/-, an amount of Rs. 2,86,897/- has been paid to the petitioner whereas an amount of Rs. 1,64,163/- is yet to be paid.

8. That for the amount of difference of payment that was due to be paid to the petitioner for the period between 2013-18, an amount of Rs. 17,48,730/- was to be paid to the petitioner whereas an amount of Rs. 5,50,824/- is yet to be paid and only an amount of Rs. 11,97,906/- has been paid to the petitioner.

9. That in a similar manner, for the period between 2018-19 an amount of Rs. 2,06,800/- was to be paid to the petitioner as difference of arrears of



pension which is not paid till date.

10. That an amount of Rs. 5,78,693/- is yet to be paid to the petitioner in lieu of amount of arrears of salary that the petitioner became entitled to upon grant of benefits under the Assured Career Progression Scheme and Modified Assured Career Progression Scheme and in this regard, it would be pertinent to refer to a letter dated 24/09/2018 issued by the Principal of the College containing the claims of the petitioner for being made payment of arrears after grant of benefits of financial progression under Assured Career Progression Scheme and Modified Assured Career Progression Scheme which is already contained in Annexure-11 to the main writ petition.

11. That in addition to the above, an amount of Rs. 1,33,966/- seemingly has also been deducted by the government without assigning any reasons in respect thereof against the arrears that are liable to be paid in favour of the petitioner, which is highly arbitrary and clearly impermissible in the eyes of law.”



Per contra, the learned counsel for the Respondent-University submits that the entire admitted retiral dues have already stood paid to the petitioner except 25% of the gratuity amount and that too on account of laches on the part of the petitioner inasmuch as he has not furnished the duly filled application form, nonetheless, it is submitted that the petitioner may approach the Vice-Chancellor, Magadh University, Bodh Gaya, who shall decide the various issues raised by the petitioner, as referred to hereinabove in the preceding paragraphs.

Accordingly, the present writ petition stands disposed of with liberty to the petitioner to approach the Vice-Chancellor, Magadh University, Bodh Gaya, with regard to his aforesaid claims and in case, appropriate representation is filed within a period of four weeks from today, the learned Vice-Chancellor, Magadh University, Bodh Gaya, shall consider the same, verify the records and pass



appropriate orders regarding the aforesaid claims of the petitioner within a period of six weeks thereafter and in case, any outstanding dues are found payable to the petitioner, the same shall be paid to the petitioner within a further period of six weeks therefrom.

(Mohit Kumar Shah, J)

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