

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24463 of 2019

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Ram Udar Chaudhary Son of Late Ram Kripal Chaudhary, Resident of Village-Nadiami Tola Surabi Rahi, P.O.-Kuson, Nadiami, P.S.-Sakatpur, District-Darbhangha.

... .. Petitioner/s

Versus

1. Kameshwar Singh, Darbhanga Sanskrit University Kameshwar Nagar, Darbhanga through its Registrar.
2. Vice Chancellor, Kameshwar Singh Darbhanga. Sanskrit University, Kameshwar nagar, Darbhanga. District-Darbhangha.
3. The Registrar, Kameshwar Singh Darbhanga. Sanskrit University, Kameshwar nagar, Darbhanga. District-Darbhangha.
4. The Principal, Laxmi Narayan Rameshwar Sanskrit Mahavidyalaya, Jaideopatti, District-Darbhangha.
5. The State of Bihar through Principal Secretary, Department of Higher education, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Durga Nand Jha, Advocate
For the Respondent/s : Mr.Kameshwar Kumar, GP-17

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 29-01-2021 Heard the parties through virtual mode.

The following reliefs have been sought for on behalf of
the petitioner in the present application :

1(i) Issuance of a writ in the nature of mandamus directing and commanding the Respondents to pay the full pension for the month of August 2018 and from October 2018 till date on the basis of last pay drawn on the recommendation of 6th Pay Revision commission, amount of insurance with interest @ 18% P.G. with suitable amount of compensation and penal interest to which petitioner



is entitled to.

(ii) Issuance of an appropriate holding that once the services of petitioner was approved by the syndicate of the university w.e.f. 01.04.1981 and after retirement of petitioner, the Gratuity, provident fund, and leave encashment have been paid and even pension w.e.f. 01.04.2016 till September 2018 (Except August 2018) has been paid there appears no justification to with hold the part amount of insurance and pension from October 2018 without any rhyme and reason which are required to be paid forthwith along with all other admitted dues of petitioner.

(iii) Issuance of a consequential writ in the nature of certiorari to quash the order passed by the vice chancellor as communicated by the Registrar of the University vide Letter No.1192/2019 dated 10.08.2019 whereby and whereunder the demand of petitioner for payment of pension, pursuant to order dated 29.04.2019 passed in C.W.J.C. No.9019 of 2019 has been denied against the own decision of the University as also on nonest ground.

(iv) Issuance of an appropriate declaration and holding that once the selection committee of the university recommended the name of the petitioner for absorption under section 4(14) of the Bihar State Universities Act and thereafter the Syndicate vide its decision dated 15.12.2012 absorbed and service of petitioner w.e.f. 01.04.1981 in view of the direction of Government dated 24.02.1982, the impugned



order dated communicated on 10.08.2019 is absolutely bad in law, out come of non-application of mind and is fit to be quashed/set aside and petitioner is fully entitled to pension.

Counsel for the petitioner submits that the issue involved in the present writ application has already been adjudicated by order dated 05.10.2020 by a Co-ordinate Bench of this Court in C.W.J.C. No.4666 of 2019.

Considering the submissions advanced on behalf of the petitioner, the petitioner is directed to file a representation enclosing the order passed in the aforesaid case before the Respondent No.2 i.e. Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga, District Darbhanga.

In case any such representation is filed before the Respondent No.2, the Respondent No.2 shall consider the representation and pass an appropriate order in accordance with law, taking note of the order dated 05.10.2020 passed in C.W.J.C. No.4666 of 2019, within a period of four months from the date of filing of such representation.

In case the claim made by the petitioner is found to be true, the admitted claim shall be paid to the petitioner within a period of three months from the date of passing of such order by



the Respondent No.2.

With the aforesaid observation and direction, the
present writ application stands disposed of.

Narendra/-

(Sudhir Singh, J)

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