

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1063 of 2018

In
Civil Writ Jurisdiction Case No.18581 of 2015

=====

The Chancellor Of Universities, Bihar Through The Principal Secretary

... .. Appellant/s

Versus

1. Asha Sahay and Ors Wife of Kumar Nalin Bilochan Sahaya, Resident of Village- Kutirganj, P.S. Bhagwan Bazar, District- Saran at Chhapra, Presently residing at road no. 8A, Changar, P.S. Kankarbagh, District Patna.
2. The Vice Chancellor, Bhim Rao Ambedkar Bihar University, Muzaffarpur.
3. The Registrar, Bhim Rao Ambedkar Bihar University, Muzaffarpur.
4. The Finance Officer, Bhim Rao Ambedkar Bihar University, Muzaffarpur.
5. The Vice Chancellor, Jai Prakash University, Chapra.
6. The Registrar, Jai Prakash University, Chapra.
7. The Finance Officer, Jai Prakash University, Chapra.
8. The State Of Bihar Through The Principal Secretary, Human Resources Development Department, Governm
9. The Principal Secretary, Human Resources Development Department, Government Of Bihar, New Secretari
10. The Financial Advisor, Jai Prakash University, Chapra.
11. The Chief Secretary, Bihar, Old Secretariat, Patna.
12. The Director General of Police, Bihar, Patna Old Secretariat, Patna.
13. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
14. Accountant General AandE Bihar, Patna, Birchandra Patel Path Marg, Patna.
15. The District Magistrate, Patna.
16. The Superintendent of Police, Patna.
17. The District Magistrate, Gaya.
18. The Superintendent of Police, Gaya.
19. The District Magistrate, Bhagalpur.
20. The Superintendent of Police, Bhagalpur.
21. The District Magistrate, Muzaffarpur.
22. The Superintendent of Police, Muzaffarpur.
23. The District Magistrate, Madhepura.
24. The Superintendent of Police, Madhepura.
25. The District Magistrate, Darbhanga.
26. The Superintendent of Police, Darbhanga.
27. The District Magistrate, Samastipur.



28. The Superintendent of Police, Samastipur.
29. The District Magistrate, Arrah.
30. The Superintendent of Police, Arrah.
31. The District Magistrate, Purnea.
32. The Superintendent of Police, Purnea.
33. The District Magistrate, Munger.
34. The Superintendent of Police, Munger.
35. The District Magistrate, Chhapra.
36. The Superintendent of Police, Chhapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajendra Kumar Giri, Advocate
For the Respondent Nos. 2 to 4: Mr. Mritunjay Kumar, Advocate
For the Respondent Nos. 5 to 7: Mr. Ritesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 18-07-2022

Heard learned counsels for the parties.

2. In the present L.P.A., appellants have questioned the validity of the order passed on interlocutory application No. 4969 of 2018 dated 19.07.2018 arising out of C.W.J.C. No. 18581 of 2015. Grievance of the petitioner namely *Asha Sahay* is as under:

“That this is an application praying for issuance of a writ in the nature of Mandamus or any other appropriate writ, order or direction for commanding the respondents to integrate the petitioner’s pension after effecting pay fixation as per the pay revision made with effect from 1.1.1986, 1.1.1996 and 1.1.2006 so with granting the benefit of Assured Career Progression Scheme and



accordingly to make payment of integrated pension alongwith other admissible dues, inter-alia, the following:

(i) The respondents be directed to release the arrears of Dearness Allowance as admissible to the petitioner from the date of due tiil the date of payment with the compound interest as admissible thereon;

(ii) The respondents be directed to integrate the petitioner's pension after effecting the pay fixation with effect from 1.1.1986, 1.1.1996 and 1.1.2006 as applicable in case of the petitioner;

(iii) The respondents be directed to pay difference of arrears of pay and other allowances outstanding for the period in between March, 1973 to 1992 as stood rest with the respondent Bhim Rao Ambedkar Bihar University;

(iv) The respondents be directed to calculate the salary differences and accordingly make the payment of outstanding dues in that head with interest admissible thereon;

(v) The respondents be directed to make computation of salary reckoning with the Dearness Allowance as required to be deposited in the General Provident Fund account as per the government decision and accordingly to make payment of outstanding amount in that head;

(vi) The respondents be directed to integrate the petitioner's pension after granting the benefit of Assured Career Progression Scheme as made applicable in the cases of the teaching and non-teaching employee of the University in light of the direction given by this Hon'ble Court in C.W.J.C. No. 19145 of 2011;

(vii) The erring respondents be dealt with sternly for their misdeeds, misdemeanor and arbitrary act in



dealing with such an important issue concerned with the rightful claim of the petitioner.

(viii) The respondents be directed to grant all the consequential benefits to the petitioner for which he is found entitled to in the facts and circumstances of the case.

(ix) Any other relief or reliefs be granted to the petitioner as he is legally entitled in the facts and circumstances of the case.”

3. During the course of the hearing in writ petition C.W.J.C. No. 18581 of 2015, learned Single Judge has passed certain adverse orders against the officials of the University which was the subject matter of the interlocutory application No. 4969 of 2018. Feeling aggrieved by the order in respect of disposing interlocutory application No. 4969 of 2018, present appeal is presented.

4. On 31.07.2018 following order was passed:

“Defect/s stand ignored.

Issue notice to the private respondents, 2, 4.

A copy of the memo. Of appeal along with annexures be served on the Counsel representing the State Government and the other authorities.

In the meanwhile, operation of the order passed by the learned Writ Court on 26.7.2018 and further orders and proceedings in C.W.J.C. No. 18581 of 2015 shall remain stayed.”



5. Before filing of the L.P.A. No. 1063 of 2018, the University is stated to have settled all dues of the respondents – *Asha Sahay* and others, therefore virtually C.W.J.C. No. 18581 of 2015 do not survive for consideration. In the light of these development, the present L.P.A. against order dated 19.07.2018 passed on I.A. No. 4969 of 2018 do not survive for consideration. Accordingly, L.P.A stands disposed off. Parties are at liberty to approach writ court to dispose off pending C.W.J.C No. 18581 of 2015, if it is pending as on today.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	27.07.2022
Transmission Date	

