

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17199 of 2018

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Jagat Narayan Singh Son of late Kamaldeo Narayan Singh Resident of
Village- Harpur, Pusa, Police Station-Pusa, District- Samastipur.

... .. Petitioner/s

Versus

1. Rajendra Agricultural University Now Dr. Rajendra Prasad Central Agricultural University Pusa Bihar through its Registrar, At Pusa, Police Station- Pusa, District - Samastipur
2. The Vice Chancellor, Rajendra Agriculture University now Dr. Rajendra Prasad Central University, At – Pusa, Police Station – Pusa, District – Samastipur
3. The Comptroller, Rajendra Agricultural University now Dr. Rajendra Prasad Central University, At – Pusa, Police Station – Pusa, District – Samastipur
4. The Director, Rajendra Agriculture University now Dr. Rajendra Prasad Central University, At – Pusa, Police Station – Pusa, District – Samastipur
5. The State of Bihar through Agriculture Product Commissioner, Bihar At- New Secretariat, Patna.
6. The Union of India through the Secretary, Department of Agriculture, Krishi Bhawan, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satya Narayan Mishra
For the Respondent/s : Mr.D.K. Sinha, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

19 06-04-2022 Heard Mr. Satya Narayan Mishra, learned counsel for

the petitioner and Mr. D.K. Sinha, learned senior counsel
appearing for the Dr. Rajendra Prasad Central University.

The petitioner retired from the post of Upper Division
Clerk in Dr. Rajendra Prasad Central University on 30.04.2016.
The grievance of the petitioner is that a sum of Rs. 4,80,800/-
has been deducted from the earn leave of the petitioner.

Learned counsel for the petitioner submits that action
of the respondent authorities of deducting the penal rent from



his earn leave to the tune of Rs. 4,28,000/- is contrary to the judgment of this court in passed in C.W.J.C. No. 13968 of 2004 (Dr. Shivendra Kumar Vs Rajendra Agricultural University & Ors.) in which this court has held that if the University has not paid the retiral dues to the employees in that case the University is not entitled to charge penal rent. He next submits that earn leave of the petitioner was paid by the University in March, 2018 after deducting the penal rent.

On the other hand, learned senior counsel appearing for the Dr. Rajendra Prasad Central University submits that immediately after retirement of the petitioner entire retiral dues were paid within three months however only earn leave was paid in March, 2018 because the petitioner did not vacate the quarter within a period of four months as per the regulation inasmuch as while deciding Dr. Shivendra Kumar Case (Supra) this court had expressed its concern in the following manner:-

“... There may be case where in defiance of University the employees may retain office headquarters without any justified reasons such as non payment of retiral dues. Hence it is necessary for discipline and financial regularities that the regulations of the University providing for penal rent in certain circumstances



be notified in the official gazette without any delay if request of the university for the same is pending.”

In view of the aforesaid observation of this Hon’ble Court the respondent -Dr. Rajendra Prasad Central University, Pusa, District - Samastipur, Bihar came out with amended regulation / office order for allotment of residential accommodation which was published in the Gazette on 18th September, 2007 and as per the regulation nos. 10.8 & 11.1 the penal rent has been charged from the petitioner to the tune of Rs. 4,28,000 /- and the balance amount has been paid to him. Therefore, the petitioner cannot take advantage of the judgment which he is trying to rely upon.

I have heard learned counsel for the parties and have perused the materials available on record. It appears that petitioner has over stayed in the quarter beyond the period of his entitlement and after coming into force of the regulation in the year 2007 the penal rent is chargeable by the University. The petitioner has retired in the year 2016 the University has calculated and deducted penal rent from the earn leave of the petitioner and pursuant to the order dated 09-06-2020 of this Court a reasoned order has also been passed by the University (Annexure – 17) which has been brought on record by the



petitioner along with IA No. 1 of 2021. The petitioner has failed to point out any defect in the reasoned order and I find that the University has deducted the penal rent as per its office order / regulation. Accordingly there is no merit in the writ petition.

The writ application is rejected.

(Anil Kumar Sinha, J)

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