

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15931 of 2023

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1. Pinku Kumar Son of Late Byash Singh @ Beyas Singh, resident of Village-Surhari, P.O.-Bhadeji, P.S.-Muffasil, District-Gaya.
 2. Meena Devi Wife of Late Byash Singh @ Beyas Singh, resident of Village-Surhari, P.O.-Bhadeji, P.S.-Muffasil, District-Gaya.

... .. Petitioner/s

Versus

1. The Magadh University Bodh Gaya through its Registrar, Magadh University, Bodh-Gaya, Gaya.
2. The Vice-Chancellor, Magadh University, Bodh-Gaya.
3. The Registrar, Magadh University, Bodh-Gaya, Gaya.
4. The Finance Officer, Magadh University, Bodh-Gaya, Gaya.
5. The Principal, J.J. College, Gaya.
6. The Principal Secretary, Higher Education, Government of Bihar, Patna.
7. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Advocate
For the Respondent/s	:	Mr. Madhaw Pd. Yadaw, GP-23
		Ms. Meera Singh, AC to GP-23
For the Magadh University	:	Mr. Sunit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 22-11-2023

Heard Mr. Praveen Kumar, learned counsel appearing on behalf of the petitioners, Mr. Madhaw Pd. Yadaw, learned GP-23 and Mr. Sunit Kumar, learned counsel for the Magadh University.

2. The petitioner no. 1 is claiming himself to be son of erstwhile employee, late Byash Singh, whereas petitioner no. 2 is said to be the second wife.

3. It is submitted that the late employee had two wives



and the first wife died issueless and appointment on compassionate ground has been awarded to the second wife i.e. petitioner no. 2.

4. It is submitted on behalf of the petitioners that despite the fact that sanctioned order issued in favour of 'Shanti Devi', the first wife of the erstwhile employee vide University Letter No. 143/GC dated 14.06.2000, no payment has been made. In the meantime, the first wife of the erstwhile employee died on 01.05.2002.

5. Learned counsel representing the petitioners fairly submits that for identical relief, the petitioners had come before this Court in CWJC No. 19493 of 2018 and the matter was referred to the Lok Adalat held at High Court, Patna, wherein, an award has been passed in favour of the petitioners.

6. Despite the undertaking given by the respondent University showing the readiness and willingness to ensure the payment of death-cum-retiral benefits of the late father of the petitioner no. 1, the same has not been done till date. Under such compelling circumstances, the petitioners has filed the present writ petition invoking the extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India.

7. Learned counsel for the respondents objected to the



present writ petition on account of the same being not maintainable as there has already been an award in favour of the petitioners.

8. It is to be noted that Section 21 of the Legal Services Authority Act, 1987 specifically talks about “Award of Lok Adalat”, which reads as follows:

21. Award of Lok Adalat.—[(1) *Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section(1) of section 20, the court-fee paid in such case shall be refunded in the manner provided under the Court-fees Act, 1870 (7 of 1870).]*

(2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.

9. The Hon’ble Supreme Court taking note of the unambiguous language of Section 21 of the Act, in the case of ***K.N. Govindan Kutty Menon Vs. C.D. Shaji*** reported in **(2012) 2 SCC 51** held in its paragraph no. 11 as follows:

11. *Section 21 of the Act, which we have extracted above, contemplates a deeming provision, hence, it is a legal fiction that the “award” of the Lok Adalat is a decree of a civil court. In the case on hand, the question posed for consideration before the High Court was that “when a criminal case referred to by the*



Magistrate to a Lok Adalat is settled by the parties and an award is passed recording the settlement, can it be considered as a decree of a civil court and thus executable by that court?" After highlighting the relevant provisions, namely, Section 21 of the Act, it was contended before the High Court that every award passed by the Lok Adalat has to be deemed to be a decree of a civil court and as such, executable by that court.

10. In view of the aforesaid position in law as also mandated by the Supreme Court, this Court has no hesitation to observe that the present writ petition is nothing but has been filed for executing the award already passed in favour of the petitioner by the Lok Adalat headed by the Patna High Court. Thus, the present writ petition is not maintainable.

11. It is to be noted that, it is very unfortunate that despite an award passed by the Lok Adalat in terms of the settlement arrived at between the parties and thus, became final and binding on the parties to the settlement, but the same is not being honoured and the petitioner has been compelled to take the shelter of this Court.

12. Be that as it may, the petitioner has the remedy before the learned Civil Court to get the award of the Lok Adalat executed as a decree of a Civil Court. If the petitioner files an appropriate application for execution of the same, the



learned Court shall take up the matter and dispose of the same expeditiously without any unnecessary delay.

13. Accordingly, the present writ petition stands disposed of.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.11.2023.
Transmission Date	NA

