

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6528 of 2022

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Narendra Kumar Sinha, aged about 68 year, Gender-Male, S/o Late Baban Prasad Sinha, R/o House No. C.A/37, Peoples Co-operative Colony, Kankarbagh, Patna, P.S.-Kankarbagha, P.O.-Lohinagar, District-Patna.

... .. Petitioner/s

Versus

1. The Magadh University Bodh Gaya, District-Gaya through its Registrar.
2. The Vice-Chancellor, Magadh University, Bodh-Gaya, District-Gaya.
3. The Registrar, Magadh University, Bodh-Gaya, District-Gaya.
4. The Finance Officer, Magadh University, Bodh-Gaya, District-Gaya.
5. The Patliputra University, through its Registrar, District-Gaya.
6. The Vice-Chancellor, Patliputra University, Patna.
7. The Registrar, Patliputra University, Patna.
8. The Finance Officer, Patliputra University, Patna.
9. The Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
10. The Director, Higher Education, Govt. of Bihar, New Secretariat, Patna.
11. The In-charge, Pay Verification Cell, Education Department, Buddh Marg, Patna.
12. The Pricipal, T.P.S College, Patna namely Dr. Upendra Prasad Singh, S/o name not known to the petitioner.
13. The Bursar, T.P.S College, Patna namely Prof. Mukund Kumar.
14. The Accountant T.P.S College, Patna namely Mr. Alok Kumar, S/o name not known to the petitioner.

... .. Respondent/s

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with
Miscellaneous Jurisdiction Case No. 2593 of 2023
In
Civil Writ Jurisdiction Case No.6528 of 2022

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Narendra Kumar Sinha, aged about 69 years, sex-male, Son of Late Baban Prasad Sinha Retired Demonstrator, Deptt. of Botany, T.P.S. College, Patna, Resident of C.A./37 P.C. Colony Kankarbagh, Patna, P.S. Kankarbagh, P.O. Lohiyanagar, District-patna.

... .. Petitioner/s

Versus

1. The Magadh University Bodh Gaya, District-Gaya through its Registrar namely Dr. Samir Kumar Sharma
2. The Vice-Chancellor, Magadh University, Bodh-Gaya, District-Gaya,



namely Dr. S.P. Sahi.

3. The Registrar, Magadh University, Bodh-Gaya, District-Gaya, namely Dr. Samir Kumar Sharma.
4. The Finance Officer, Magadh University, Bodh-Gaya, District-Gaya, namely Sri Indra Kumar Singh
5. The Patliputra University, through its Registrar, District-Patna Namely Prof. Salini.
6. The Vice-Chancellor, Patliputra University, Patna.
7. The Registrar, Patliputra University, Patna.
8. The Finance Officer, Patliputra University, Patna namely Sri Bipin Kumar Singh
9. The Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna namely Sri K.K. Pathak.
10. The Director, Higher Education, Government of Bihar, New Secretariat, Patna namely Prof. (Dr. Rekha Kumari
11. The In-charge, Pay Verification Cell, Education Department, Buddh Marg, Patna namely Deepak, Kumar Singh.
12. The Pricipal, T.P.S College, Patna namely Dr. Upendra Prasad Singh,
13. The Bursar, T.P.S College, Patna namely Prof. Mukund Kumar.
14. The Accountant, T.P.S College, Patna namely Mr. Alok Kumar.

... .. Opposite Party/s

Appearance :

(In Civil Writ Jurisdiction Case No. 6528 of 2022)

For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Advocate
For the State	:	Smt. Binita Singh, SC-28
For the Patliputral University:		Mr. Rana Vikram Singh, Advocate Mrs. Rasika, Advocate
For the Magadh University:		Mr. Om Prakash Kumar, Advocate
(In Miscellaneous Jurisdiction Case No. 2593 of 2023)		
For the Petitioner/s	:	Mr. Purushottam Kumar Jha, Advocate
For the State	:	Mr. Kumaresh Singh, AC to SC-28
For the Patliputral University:		Mr. Rana Vikram Singh, Advocate Mrs. Rasika, Advocate
For the Magadh University:		Mr. Om Prakash Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 16-04-2024

Heard the parties.

Re: CWJC No. 6528 of 2022

2. The petitioner, who retired on attaining the age



of superannuation on 31.07.2016 from the post of Demonstrator in the Department of Botany, TPS Collage, Patna under Magadh University, has approached this Court with the following prayers which are extracted hereinbelow:

“(i) Issuance of an order/ direction or writ in the nature of mandamus commanding the Respondents concerned to make proper fixation of petitioner’s post retirement claims (Pension, Gratuity and Earned leave salary) as per the recently implemented revised pay-scale, which has been made effective from 01.01.2016, and consequent upon such fixation, the Respondents concerned may further be suitably directed to make the payment of all its consequential benefits to the petitioner; that too, after supplying the details of calculation under the said three different heads i.e. Pension, Gratuity and Earned Leave Salary.

(ii) To hold and declare that the action of Respondent’s concerned in not making the payment of petitioner’s due claim of Gratuity being Rs. 10,00,000.00 (Rupees Ten Lacks Only), as per the Pre-Revised Scale of Pay/ Pre-Revised Pension Rule, and their action in making payment of Rs. 7,50,000 (seven lacks and fifty thousand) only under the head of Gratuity, is illegal, arbitrary, malafide, malicious and unsustainable in the eye of law and on facts both to be depredated by this Hon’ble Court in this strong words.

(iii) A writ in nature of mandamus may kindly be issued by this Hon’ble Court commanding the Respondents concerned to ensure the payment of petitioner’s surviving



claim of Gratuity being Rs. 2,50,000.00 (Rs. Two lacks and fifty thousand) only as per pre-revised pension/pay structure.

(iv) Issuance of an order/ direction or a writ in the nature of mandamus Commanding the Respondents concerned to make the payment of interest over the said claims of the petitioner @ 18% per-annum, upon taking into account the order dated 31.01.2000 passed by the Hon'ble Supreme Court of India in Civil Appeal No. 689 of 2000 (Vijay L. Mehrotra v/s. State of U.P. & Others)."

3. Though this writ petition was filed in the year 2022, no counter affidavit has been filed by any of the respondents till date.

4. Mr. Om Prakash Kumar, learned counsel representing the respondent nos. 2, 3 and 4 has submitted that he has received instruction to file counter affidavit for which he prays for two weeks.

5. Learned counsel for the petitioner, however, has put in a strong objection contending that due to non-payment of pension, the petitioner is facing immense hardship and the University authorities ought to have promptly filed counter affidavit since the writ petition was filed in the year 2022.

6. Having taken note of the submissions made by the learned counsel for the contesting parties, I deem it appropriate to dispose of this writ petition with a liberty to the



petitioner to file a representation before the appropriate concerned authorities for redressal of the grievances raised by the petitioner herein.

7. As and when such a representation is filed by the petitioner, the concerned respondent authorities shall expeditiously and fairly consider the representation and pass a reasoned and speaking order in accordance with law within a period of one month from the date of receipt of such representation.

8. The writ petition is disposed of with the above direction.

Re: M.J.C. No. 2593 of 2023

9. In view of the order passed today in C.W.J.C No. 6528 of 2022, this contempt petition stands closed.

(Nani Tagia, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.04.2024
Transmission Date	NA

