

(2008) 09 PAT CK 0058
In the Patna High Court
Case No : CWJC No. 876 of 2008

Dr. Sudama Singh and Another	Vs	APPELLANT
The Magadh University and Others		RESPONDENT

Date of Decision : 09-09-2008

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2008) 4 PLJR 506

Hon'ble Judges : Navin Sinha, J

Bench : Single Bench

Advocate : Ashok Kumar Dubey, for the Appellant; Yugal Kishore for Magadh University, for the Respondent

Judgement

Navin Sinha, J.—Heard the Learned Counsel for the petitioners and the learned Senior Counsel Shri Yugal Kishore representing both the University and the College in question. The petitioners are Readers in the College in question under the Magadh University, Bodh Gaya. A pay order dated 26.7.2007 was issued by the University under the signature inter alia of the Finance Officer and the Registrar of the University for the part of the arrears of salary for merit promotion to the two petitioners. The pay order at Annexure-6 "series" quantify the amount inter alia payable to each of them. It was accompanied by a cheque dated 1.8.2007 for a total amount of Rs. 8,21,698/- drawn on the A.N. College, Patna Salary Account (Teachers). Notwithstanding the receipt of the cheque the College in question refused to release the funds to the petitioner. The dogged pursuance of the same by the petitioners yielded no result. While the University expects them to discharge their duties by imparting education as Readers, both the University and the College appear to be totally unconcerned and callous with regard to their duties and obligation towards the petitioners.

2. Both the University and the College allowed the cheque to lapse on expiry of six months when even on representation by the petitioners the Vice-Chancellor of the University did not consider it necessary to issue appropriate orders

compelling the petitioners to approach the High Court under Article 226 of the Constitution of India for an issue where no legal issue of eligibility, entitlement etc. arose but was a purely administrative matter which should have rested within the premises of the College and University itself. Perhaps it is symptomatic of the malice in the College and the University.

3. Today a counter affidavit has been filed on behalf of the Magadh University. this Court has taken note of the fact that the University and the College are represented by the same Counsel. No counter affidavit has been filed on behalf of the College in question. The counter affidavit of the University is absolutely non-committal in nature. Having realized the futility of raising frivolous pleas the respondent-University has now issued a fresh cheque on 4.9.2008 and states on affidavit that the Principal of the College has now credited the amount to the account of the petitioners on 6.9.2008. This was obviously after the respondents felt the heat of the present proceeding.

4. The petitioners have clearly been deprived of the benefits of their salary and which could have earned them interest had it been credited to them in time. this Court therefore considers it proper to award them interest at bank rate from 1.8.2007 till 6.9.2008. Since the University had sent cheque to the College in question when no counter affidavit has been filed by the College or any explanation given by the University or the College the amount of interest shall be recovered from the salary of the Principal of the College considering necessarily what may be termed quite simply as administrative deviancy on his part. The University shall also be at liberty to initiate departmental proceedings against the Principal so that such administrative lapses are prevented in future. Let such interest be paid to the petitioners by the University within a maximum period of four weeks from the date of receipt and/or production of a copy of this order and which payment shall have no co-relation with the aspect of recovery from the Principal which shall remain within the domain of the University to be complied with by it.