

---

**(2001) 04 PAT CK 0002**

**In the Patna High Court**

**Case No :** CWJC No"s. 10021, 10271, 10305, 10344, 10999, 11224, 11335, 11625, 11655, 11798, 11829, 12043 and 12479 of 1999, 3392, 7659, 7707, 8570, 8682, 8690, 8708, 9119, 10739, 11574, 11703, 11894, 11970, 12070, 12198, 12229, 12240, 12247, 12277, 12312, 12356, 12

Dr. Yogendra Prasad and Others

APPELLANT

Vs

Rajendra Agriculture University <BR> Me. Gajanan Arun and  
Others Vs The State of Bihar

RESPONDENT

---

**Date of Decision :** 09-04-2001

**Acts Referred:**

Bihar Agriculture University Act, 1987 — Section 32

**Citation :** (2001) 3 PLJR 90

**Hon'ble Judges :** Shiva Kirti Singh, J

**Bench :** Single Bench

**Advocate :** Gajanan Arun, in 11894, 12043, 12479, 8690, 12422, 12617, 12989, 13083, 13682, 2754, 3392, A.K. Ojha, in 2436, 7707, 8570, 11970, 12240, 12277, 12312, 13207, 2207, 3360, Mukeshwar Dayal, in 10021, 10999, 3444, 11335, 11798, 12070, S.N. Mishra, in 10271, 10305, 11224, 9119, 11574, 11703, Gopal Prasad Singh, in 10344, 7659, 12247, 12356, 1472, 1586, 1598, G.K. Singh, in 11625, 11829, 13530, 13555, S.P. Karn, in 11655, Rabindra Prasad, in 8682, Sitiesh Chandra Mitra, in 8708, Sanjeev Ranjan, in 10739, B.N. Singh, in 12198, Mahendra Pathak, in 12229, Manoj Kumar Upadhaya, in .13609 and Manish Kumar Saran, in 2482, for the Appellant; Dhananjay Kumar Dubey in 11894, 11335, 7659, 11970, 13083, 2754, Azfar Hasan in 2436, 11224, 11335, 11625, 11829, 12229, 2207, 2482, 3392, 3360, Y. Eqbal Ahmad in 10021, 12070, Jyoti Saran in 10271, 10305 10344, 11829, 12043, 7707, 8570, 8682, 8690, 8708, 10739, 11574, 11703, 12229, 12240, 12247, 12277, 12312, 12989, 13207, 1472, 1586, 1598, 2207, 2482, 13530, 13555, 3360, 3444, Y.V. Giri in 10999, 12043, 12479, 10739, 12247, 10344, 12422, 12617, 13682, 1598, J.P. Karn in 11224, 11625, 11655, 8682, 11703, 12198, 12356, 13609, 13530, 13555, R.P. Bhagat in 11655, M.N. Parbat in 11798, 9119, 13609, 3392, Arun Kumar Arun in 11829 and B.N. Singh in 11703, 12356, 13.682 and 3444, for the Respondent

---

**Judgement**

Shiva Kirti Singh, J.—Heard the parties.

2. The defence of the Respondent University in not paying the admitted post retiral and other dues of the writ Petitioners who are retired employees of the University was non-availability of adequate funds.

3. It is not in dispute that it is the obligation of the State Government u/s 32 of the Bihar Agricultural University Act, 1987 to provide necessary grants to meet the expenditure of the University. As per order passed on the last date i.e. 26.3.2001 the controlling department i.e. department of Agriculture and Animal Husbandary has already forwarded the claim of the University for Rs. 3.48 crores to meet the pending claims of the Petitioners and similarly situated retired employees. Today a stand has been taken on behalf of the State Government that the Finance Department had made certain queries from the State Government and reply of the said queries has already been forwarded to the Finance Department by the University. It cannot be disputed that the Finance Department has to ensure that the funds provided to the University are utilised in proper manner for which the funds are made available to them. However, in the context of disputes pending before this Court it is the joint responsibilities of the State of Bihar and the University to ensure that the lawful dues of the retired employees is paid within a reasonable time. In that view of the matter all these writ applications are disposed of with a direction that the State Government must provide the necessary amount to the University within four weeks from today to enable the University to pay the admitted dues of the Petitioners within a further period of four weeks thereafter. Some of the retired employees who are Petitioners in various writ applications being disposed of, had been Government employees earlier and part of their G.P.F. Pension and Group Insurance are required to be paid by the parent department of the State Government. Such post retirement dues which are required to be paid by the parent department or the concerned department of the State Government should be paid by the concerned authorities within a period of two months from the date of production/communication of a copy of this order before the concerned authority. It is made clear that in case the admitted dues are not paid within the time fixed then the concerned employees shall be entitled to an interest at the rate of 5% per annum for the period of delay occurring beyond the, period fixed by the court and it shall be the liability of the State Government to meet the expenses on account of such interest. It is made clear that" the aforesaid direction for payment of interest is over and above the statutory interest to which an employee of the University may be entitled over the admitted dues as per decision of the University or as per provisions in the statutory rules. All these wit applications are disposed of accordingly.

4. Let a copy of this order be handed over to learned Counsel appearing for the State and to learned Counsel appearing for the University.