

(2018) 07 PAT CK 0022

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 4918 of 2017

Krishndeo Mandal

APPELLANT

Vs

The State of Bihar & Ors

RESPONDENT

Date of Decision : 24-07-2018

Acts Referred:

Citation : (2018) 07 PAT CK 0022

Hon'ble Judges : AHSANUDDIN AMANULLAH, J

Bench : Single Bench

Final Decision : Disposed off

Judgement

1. Heard learned counsel for the petitioner; State and T.M. Bhagalpur University (hereinafter referred to as the "University").

2. By order dated 26.06.2018, the respondents no. 2 to 4 were required to be present in Court. However, only the Vice Chancellor i.e., respondent no.

2 is present. There is no explanation or application with regard to respondent no. 3 for his non appearance.

3. With regard to respondent no. 4, Mr. Anjani Kumar, learned senior counsel appearing for the University submitted that only at 10.20 A.M. today, he was informed telephonically by the respondent no. 4, that he had gone on leave after giving application yesterday.

4. Before coming to the merits of the matter, the Court is required to ensure that all the orders are complied with. Thus, as there is no explanation on

behalf of the respondent no. 3, and even the conduct of respondent no. 4, cannot be accepted since if he had gone on leave from yesterday, then, he

was required to ensure that at least on his behalf, there was an application for exemption and mere telephonic information to the learned counsel, and

that too, at 10.20 A.M. today when the matter was listed at 10.30 A.M. can in no way be deemed to be reasonable conduct on his part. Moreover, it

was not an emergency situation as respondent no. 4 himself informed that he had left the headquarter after giving an application yesterday only and,

thus, when he had given application for leave, prior to which he was aware of being required to appear before the Court today, in the present

proceeding, not appearing, prima facie appears to be a deliberate and willful act.

5. In view thereof, let the respondents no. 3 and 4 appear before the Court, along with their show cause as to why the Court may not pass appropriate

orders for their absence.

6. The matter be listed on 13th August, 2018, retaining its position.

7. Coming to the merits, the supplementary counter affidavit on behalf of the University discloses that arrear of pension has been paid to the petitioner

on 01.12.2017, arrear of salary on 13.07.2018 and balance of Rs. 6,173/- under the said head would be paid at the earliest, arrears of gratuity on

07.05.2009 and 28.07.2017 and leave encashment on 06.07.2018. It has further been stated that benefit of 1st and 2nd A.C.P. has been extended and

also paid to the petitioner.

8. Having regard to the stand taken on oath, the Court finds that the admitted dues of the petitioner have been substantially paid. Accordingly, the writ

petition stands disposed off with a direction to the University to ensure that the remaining Rs. 6,173/-, is paid to the petitioner latest within two weeks

from today. Moreover, if the petitioner feels that anything further remains to be paid, he shall be at liberty to make a detailed representation before the

Registrar of the University. If such a representation is filed within four weeks from today, the Registrar shall look in to the matter, and pass a

reasoned order within four weeks from the date of filing of the representation. If anything further is required to be paid to the petitioner in terms of the

order to be passed on his representation, the same shall also be paid to him within four weeks from the date of passing of the order.

9. The case be listed on the next appointed day i.e., 13th August, 2018, only for the purpose of considering the matter relating to non appearance of the

respondents no. 3 and 4, without having shown due cause.

10. Personal appearance of the Vice Chancellor of the University stands dispensed with.