
(1996) 08 PAT CK 0004
In the Patna High Court
Case No : M.J.C. No. 896 of 1996

Patna University Retired Teachers Association and Others	APPELLANT
Vs	
The Patna University	RESPONDENT

Date of Decision : 06-08-1996

Acts Referred:

Citation : (1996) 2 PLJR 482

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Judgement

Radha Mohan Prasad, J.—This M.J.C. application has been filed by the Petitioners, who are retired teachers of the Patna University alleging intentional violation of the order dated 14.8.95 passed in the connected writ case bearing C.W.J.C. No. 7965 of 1993 by the authorities of the State as well as of the Patna University.

2. Earlier, when the matter was taken up on 24th July, 1996, learned Counsel for the State submitted that an amount of Rs. 2,13,90,000/- was released for payment of retiral dues of the employees of the Patna University vide letter No. 1424 dated 9.9.1995. As regards the remaining amount, it was stated by the learned S.C. 7 that the same was not released by the State Government as the University had not furnished the utilization certificate as the Government wanted from them to submit in respect of the utilization of the aforesaid money released to the University. However, when it was noticed by this Court that there was no such condition for the release of the aforesaid amount, as mentioned in the order dated 14.8.95, the learned S.C. 7 prayed for an adjournment and accordingly, this matter has been heard today.

3. A supplementary affidavit has been filed today on behalf of the Secretary Department of Higher Education, Government of Bihar (O. P. No. 4) in which it is stated that the State Government has released the balance amount of Rs. 9,78,09,574/- vide letter No. 1395 dated 30th July, 1996 for payment of the retirement benefits of teaching and non-teaching employees of the University, a copy of the said letter, which has been annexed as Annexure-D to the

supplementary affidavit is addressed to the Accountant General, Bihar for issuance of the necessary authority letter.

4. Mr. Mukherjee, learned senior Counsel appearing for the University submitted that it took almost one year to release the entire amount to the University in the light of the order of this Court, passed in the connected writ case, though it was stated by the learned Advocate General that the same would be released in course of the month, in which the order was passed by this Court. Mr. Mukherjee has expressed apprehension that even now one does not know as to how much time the Accountant General, Bihar will take for issuing the authority letter pursuant to the said sanction order.

5. The apprehension of the learned Counsel for the Petitioner that there may be delay in issuing the authority letter by the Accountant General's office is completely unfounded. There cannot be any doubt that pursuant to the said sanction order the authority letter shall be issued by the Accountant General, Bihar without any delay, particularly when the said sanction order mentions about the direction of this Court.

6. Mr. Mukherjee, learned Senior Counsel for the Petitioner further submits that the other two directions of this Court in regard to consideration of the grievances of the Petitioners for payment of interest over the delayed payment of the dues and for deposit of 10 percent to the pension fund as against which the University was depositing only 5 percent In view of the earlier Government direction from the grant on adhoc basis, have also not been considered by the State Government and appropriate orders in that regard have not been passed, as was directed by this Court in the order passed in the connected writ case. The learned Counsel for the State submits that necessary orders relating to the above, shall be passed within a month.

7. Having regard to the fact that the funds have been released by the State Government the University shall make payment of the dues immediately after the receipt of the amount, as also having regard to the stand taken by the learned Counsel for the State for disposal of the aforementioned other two grievances within one month from today, I do not propose to take any further action in the matter. Accordingly, this M.J.C. application is disposed of.