
(2019) 12 PAT CK 0029

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 24301 Of 2019

Sushil Mohan Prasad Singh

APPELLANT

Vs

State Of Bihar Through The Chief Secretary And Ors

RESPONDENT

Date of Decision : 06-12-2019

Acts Referred:

Citation : (2019) 12 PAT CK 0029

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Vijay Kumar Singh, Madhaw Prasad Yadaw, Rajesh Kumar Sinha, Md. Nadim Seraj

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioner; learned AC to GP 23 for the State and Mr. Nadim Seraj, learned counsel for the Lalit Narayan Mithila University, Darbhanga (hereinafter referred to as the 'University').

2. The petitioner has moved the Court for the following reliefs:-

"(I) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to make payment of pensionary benefits like pension, gratuity, earned leave and other admissible dues pursuant to the pay fixation made by the Respondent University in the year 2017 whereby and where under the petitioner was granted the pay-scale of Rs. 4500-7000 with effect from 01.01.1996 and the pay-scale of Rs. 5500-9000 with effect from 09.08.1999 on account of grant of benefits of first A.C.P.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to make the aforesaid payment with interest on the ground that delay in payment on account of revision of pay-scale is directly attributable on the part of the Respondents.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/

directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case."

3. Learned counsel for the petitioner submitted that pursuant to his retirement, he was granted ACP but the benefit accruing out of the same has not been paid to him.

4. Learned counsel for the University submitted that if the petitioner has been granted ACP, consequential benefits, including arrears shall be paid to him.

5. Having regard to the aforesaid, the application stands disposed off directing the Registrar and the Finance Officer of the University (respondents no. 5 and 6) to consider the claim of the petitioner, in accordance with law, and if it is found that he is entitled to the ACP benefits and the same has not been paid, they shall get appropriate calculation made with regard to the admissible dues of the petitioner and pass a reasoned order within two months. Depending on the order to be passed, if anything is found due and payable to the petitioner, the same shall also be paid to him within one month from the date of passing of the order.

6. The Court would only indicate that it has not expressed any opinion on the merits of the matter, which is left open to the authorities for taking a decision.