

Patna High Court - Orders

Dinesh Chaudhary & Ors vs The State Of Bihar & Ors on 13 September, 2010

IN THE HIGH COURT OF JUDICATURE AT PATNA

CWJC No 7418 of 2010

DR MAMTA RANI THAKUR & ORS

Versus

THE L N MITHILA UNIVERSITY & ORS

WITH

CWJC No 10501 of 2010

PROF DR KRISHNA CHANDRA MISHRA

Versus

THE STATE OF BIHAR & ORS

WITH

CWJC No 7484 of 2010

DINESH CHAUDHARY & ORS

Versus

THE STATE OF BIHAR & ORS

WITH

CWJC No 7868 of 2010

MD AFTAB ASHRAF

Versus

THE STATE OF BIHAR & ORS

WITH

CWJC No 7909 of 2010

TARNI PRASAD SINGH

Versus

THE V C, L N MITHILA UNIVERSITY & ORS

WITH

CWJC No 7911 of 2010

DR RAMAWATAR PRASAD

Versus

THE V C, L N MITHILA UNIVERSITY & ORS

WITH

CWJC No 7938 of 2010

DR NIRMALA JHA

Versus

THE V C, L N MITHILA UNIVERSITY & ORS

WITH

CWJC No 7949 of 2010

(DR) MADHAV CHOUDHARY

Versus

THE STATE OF BIHAR & ORS

WITH

CWJC No 7963 of 2010

UPENDRA PRASAD SINGH

Versus

THE V C, L N MITHILA UNIVERSITY & ORS

WITH

CWJC No 7970 of 2010

DR KAMESHWAR PRASAD SINGH

Versus

THE V C, L N MITHILA UNIVERSITY & ORS

WITH

2

CWJC No 8090 of 2010
DR MAHESH CHANDRA CHAUDHARY
Versus
THE V C, L N MITHILA UNIVERSITY & ORS
WITH
CWJC No 8108 of 2010
UDAY NARAIN SINGH
Versus
THE V C, L N MITHILA UNIVERSITY & ORS
WITH
CWJC No 8157 of 2010
DR (MRS)MANSA KUMARI SULTANIA
Versus
THE V C, L N MITHILA UNIVERSITY & ORS
WITH
CWJC No 8201 of 2010
MALTI JHA & ANR
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No 8294 of 2010
KRISHNA KUMAR JHA
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No 8445 of 2010
MAHENDRA KUMAR MAHTO
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No 8524 of 2010
RADHA GOVIND JHA
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No 8577 of 2010
DR BRAJENDRA KUMAR JHA
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No 8671 of 2010
DR SYED SAJJAD HAIDER
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No 8689 of 2010
BALNATH JHA & ORS
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No 8776 of 2010

3

PROF BESH LAL PASWAN
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No 8782 of 2010
DR RAM KRISHNA JHA
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No 8783 of 2010
DR DAMAN KUMAR JHA
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No 8814 of 2010
PROF DR MANINDRA KUMAR
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No 8833 of 2010
SHIKSHAKETTAR KARAMCHARI SANGH
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No 8867 of 2010
PROF UMESH CHANDRA CHAUDHARY
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No 8872 of 2010
LAKSHMI KANT MISHRA
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No 8873 of 2010
PROF CHANDRA SEKHAR JHA
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No 8877 of 2010
PROF HARE KRISHNA JHA 'HARI'
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No 8914 of 2010
DR RAM SAGAR SINGH
Versus
THE STATE OF BIHAR & ORS
WITH
CWJC No 8920 of 2010
DR SHIVESH CHANDRA JHA
4
Versus

THE STATE OF BIHAR & ORS
WITH

CWJC No 8933 of 2010
PROF RAMA KANT MISHRA
Versus

THE STATE OF BIHAR & ORS
WITH

CWJC No 8989 of 2010
KUNDAN KUMAR SINGH
Versus

THE STATE OF BIHAR & ORS
WITH

CWJC No 8992 of 2010
DR AVESH CHANDRA JHA
Versus

THE STATE OF BIHAR & ORS
WITH

CWJC No 9039 of 2010
PROF BIRENDRA KR SRIVASTAVA
Versus

THE STATE OF BIHAR & ORS
WITH

CWJC No 9046 of 2010
JIBENDRA DUTTA JHA
Versus

L N MITHILA UNIVERSITY & ORS
WITH

CWJC No 9061 of 2010
DR VIJAY KUMAR MISHRA
Versus

L N MITHILA UNIVERSITY & ORS
WITH

CWJC No 9064 of 2010
DR VIJAY CHANDRA JHA
Versus

THE LALIT NARAYAN MITHILA UNIVERSITY & ORS
WITH

CWJC No 9117 of 2010
AMARNATH JHA
Versus

L N MITHILA UNIVERSITY & ORS
WITH

CWJC No 9123 of 2010
DR KRISHNAKANT JHA
Versus

L N MITHILA UNIVERSITY & ORS
WITH

CWJC No 9135 of 2010
DR MAHESH JHA
Versus

5

LALIT NARAYAN MITHILA UNIVERSE
WITH

CWJC No 9140 of 2010

DR VIDYANAND JHA

Versus

L N MITHILA UNIVERSITY & ORS

WITH

CWJC No 9152 of 2010

DR PRABODH JHA

Versus

L N MITHILA UNIVERSITY & ORS

WITH

CWJC No 9155 of 2010

DR SATYANAND THAKUR

Versus

L N MITHILA UNIVERSITY & ORS

WITH

CWJC No 9165 of 2010

DR ASHARFI KAMATI

Versus

L N MITHILA UNIVERSITY & ORS

WITH

CWJC No 9211 of 2010

DHANESHWAR THAKUR

Versus

L N MITHILA UNIVERSITY & ORS

WITH

CWJC No 9288 of 2010

SURENDRA SETH

Versus

THE STATE OF BIHAR & ORS

WITH

CWJC No 9453 of 2010

SHASHI BHUSHAN MISHRA

Versus

THE STATE OF BIHAR & ORS

WITH

CWJC No 9485 of 2010

DR BIBEKA NAND JHA

Versus

THE L N MITHILA UNIVERSITY & ORS

WITH

CWJC No.11070 of 2010

DR MD QUTUBUDDIN ALAM

Versus

THE V C OF L N MITHILA UNIVERSITY & ORS

WITH

CWJC No 12623 of 2010

LAV KUSH SHARMA & ORS

Versus

THE V C, L N MITHILA UNIVERSITY & ORS

6

WITH

CWJC No 12827 of 2010

HIRA LAL GUPTA

Versus
THE V C, L N MITHILA UNIVERSITY & ORS
WITH
CWJC No 12846 of 2010
PRATAP NARAYAN ROY
Versus
THE V C, L N MITHILA UNIVERSITY & ORS
WITH
CWJC No 12871 of 2010
KEWAL KRISHAN LAL DAS
Versus
THE V C, L N MITHILA UNIVERSITY & ORS
WITH
CWJC No 12880 of 2010
PURNA CHANDRA LAL DAS
Versus
THE V C, L N MITHILA UNIVERSITY & ORS

4 13.09.2010 In a few cases, some sorts of counter affidavits have been filed by the University.

These cases relate to payment of dues of employees, both teaching and non-teaching of L N Mithila University. It is not in dispute that even on a conservative estimate, the total outstanding liability of this University towards payment to its working and retired employees would far exceed Rupees 100 crores. The University is getting not even quarterly of this amount on quarterly basis for disbursement. This is giving rise to many fold problems. Firstly, the question still remains in most of the cases as to what is the exact liability. On one hand, there is claim by the employee or the retired employee. On the other hand, there is an admitted liability as per University's auditor and lastly, there is a third angle to it being the liability as quantified by the State Auditor, which, in some cases, is still pending final calculation. It is expected of the University to give details as per its calculation and as per Government Auditor's calculation in comparison to the claim of the employees to the employees. This is so that they are in a position to point out areas of dispute, if any. Unfortunately, apparently this information holds a premium. To this Court, it is a matter of right of an employee whether serving or retired to receive this information. This is a matter of accounting. Therefore, at this stage, the first direction this Court would give is that the University should furnish to all its employees whether working or retired who have raised any claim either at the University or before this High Court detail of accounts as admitted per the University Auditor and the Government Auditor. Wherever Government audit is still pending, the said employee or the ex employee must be given the calculation as per University's Auditor clearly stating that Government audit is still pending. This should be completed in all such cases without discrimination or favour or disfavour by the 12th of October, 2010 failing which on the 25th of October 2010, the Vice Chancellor, the Registrar, the Finance Officer shall be personally present in the Court to answer rule of contempt.

After this or rather alongwith this is the problem of utilization of about Rupees 16.75 crores which the University has received on the 16th of August, 2010 for payment of these arrears. To this Court, there appears to be a lack of will on part of the University to adopt any particular manner of utilizing this. The utilization appears to be totally ad hoc and at the discretion of the University. This must

end. This Court cannot assume the role of Administrator but still as hundreds of writ applications are pending here, this Court can only suggest means to end the litigation at an early date.

Firstly, it would be seen that there are two categories of claimants. First, the working employees, both teaching and non-teaching and the second retired employees, both teaching and non-teaching. In my view, as working employees are getting some payments on monthly basis, precedence has to be given to retired employees. Therefore, at the first instance, I would direct that in all those cases of retired employees (whether before this Court or not) to the extent claims are admitted by the Government Auditors, full payment must be made immediately within one week from today. Alongwith the payment, full calculation chart in support of the payment would have to be given to the retired employee.

At the second stage would be payment that would be made as per University's Auditor to such retired employees upon undertaking on affidavit authorizing University to recover the amount of difference, if Government Auditor reduces the liability. These are cases where Government audit is pending. Alongwith this, I issue direction to the Government Auditor to complete audits and I direct Government to give adequate staff for this purpose so that the audit is completed by 12th of September, 2010. It is expected in this way the number of dissatisfied employees would come down drastically.

The third stage would be payment of dues to all existing employees to the extent approved by the Government Auditor whether these employees are before the Court or not. If after these three stages, any money is left then would come the stage for payment of those existing employees whose Government Audit is pending but payment would be made according to University Auditor with undertaking from the employees to refund the amount in case the Government Auditor finds it otherwise.

From the above, it would be seen that there are two categories in retired employees and there are two categories in existing employees. In all cases, effort has to be first made to pay off while maintaining the seriatim as above dues of those employees which are least in amount. In my view, if this seriatim and this number is kept in mind and strictly, without discrimination, followed then the number of dissatisfied persons or number of litigations would drastically fall giving time to the University to deal with fewer people.

This Court has advisedly put a short strict time schedule. This is so because if latitude is given to the University or the State, this work would go on indefinitely. It has already existed and prolonged for 20 good years, if not more. The reason for this prolongation is not far to search. The longer the delay, the greater the premium. The greater the harassment, the greater the premium again. This wishes cycle has to be broken. I am sure that neither the State Government nor the University is unaware that a scientific instrument known as computer axis which can be more effectively utilized than human personnels. I wonder why no one, either at the Secretariat level or at the University level, ever thought of this as a vehicle for solving a problem rather than rely on something that creates a problem.

Let a copy of this order be sent to the office of the Chancellor with a request from this Court to get the matter monitored so that the longstanding grievances of decades are solved and the Court is unburdened of useless litigation not involving issues of law but only involving matter of pure accountancy.

Put up these cases on 25th of October, 2010.

M.E.H./

(Navaniti Prasad Singh)