

Letter No.-MU-11/2009- 1398 /GS (I),
From,

Dated- 10-7-2013

M.M. Choudhary
Officer on Special Duty (Judl.)

To.

The Vice Chancellor,
Magadh University,
Gaya.

Reg :- Appeal of Dr. Brahamdeo Sah, Retd. Principal dated 10.10.2006 & 18.07.2007 and compliance of Hon'ble High Court's order in CWJC No. 12605/03, 9568/99, 6076/02 and MJC No. 478/06 (B.D. Sah Vrs. the State of Bihar & others).

Ref:- Hearing by the Hon'ble Chancellor, Universities of Bihar on 24.06.2013 at Raj Bhavan, Patna.

Sir,

I am directed to invite a reference to this Secretariat's letter No. MU-11/2009-1197/GS(I) dated 17.06.2013 on the subject noted above and to inform that the Hon'ble Chancellor, after hearing the concerned party and the University, has been pleased to pass the following order :-

ORDER

Hearing on the appeal / representations of Dr Brahmdeo Sah, Retired Principal, R K D College, Patna dated 10.10.2006 and 18.7.2007 was taken up and during the hearing, the appellant Dr B D Sah and his Advocate, Shri Samir Kumar Sinha, Counsel on behalf of the Magadh University, Bodh Gaya, Sri Hans Raj, Advocate and representative of the Education Department, Shri Sita Ram Singh, Director, Education Department, Bihar were present.

In the instant appeal Dr B D Sah, Retd.Principal, R K Dwarika College, Patna under Magadh University, Bodh Gaya in his representation dated 18.7.2007 has prayed for a direction to the University for payment of his remaining outstanding dues of Rs. 2,12,936/- which has not been paid to him inspite of the orders of the Hon'ble Patna High Court and inspite of various representations submitted before the University.

The case of Dr Sah as made out in his aforesaid representation is that in CWJC No. 12605/03, he prayed for a direction for payment of a sum of Rs. 1,67,527/-, out of which a sum of Rs.1,26,681/- was paid to him and a sum of Rs.40846/- has remained due to be paid to him.

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Further, in CWJC No. 9569/99, he prayed for a direction for payment of a sum of Rs.4,15,975/-, out of which a sum of Rs.2,03,103/- has been paid to him and a sum of Rs.2,12,872/- has remained due to be paid to him.

Then in CWJC No. 6076/02, he prayed for a direction for payment of Rs.2,07,947/- out of which a sum of Rs.70,000/- was paid to him and a sum of Rs.1,37,947/- remained due to be paid to him in respect of his dues for Kaler College.

He further claimed for payment of a sum of Rs.1,29,380/- for his service in Ram Krishna Dwarka College, Patna, out of which a sum of Rs.53,334/- was paid to him and a sum of Rs.74,989/- remained due to be paid to him by the University and the College.

In his another appeal dated 10.10.2006 he has prayed for a direction to the University for payment of compensation of Rs.15,00,000/- (Rs.Fifteen lac) for the loss of prestige, humiliation, mental torture and harassment for 14 months when he was posted at the headquarter in Magadh University, Bodh Gaya.

The appellant's case in short is that he was interviewed for the post of Principal before the Chancellor and Vice-Chancellor at Raj Bhavan and he was appointed as Principal of R K Dwarika College, Patna w.e.f. 25.7.77 and the said College was converted into a Constituent College of Magadh University in December, 1986. The University transferred him from R K Dwarika College, Patna on 11.1.1991 and subsequently he joined in SDS College, Kaler, Arwal on 31.1.1991 with financial powers. Again, the University, vide letter dated 12.6.1997 transferred his financial powers to a subordinate teaching staff of the College.

Thereafter by office order dated 27.11.1999 he was ordered to report at the Headquarter of the University and he reported at the Headquarter on 1.2.1999 and waited at the University Headquarter from 1.12.1999 to 31.1.2001 i.e. 14 months for his placement and ultimately retired on 31.1.2001.

Thus he was subjected to so many adversaries which caused damage to his prestige. He has claimed compensation of Rs.15 Lac vide his application dated 30.1.2001 which is still pending at Raj Bhavan.

The stand of the University, in the letter of the Registrar of the University dated 8.5.2009 is that in CWJC No. 12605/03, Dr B D Sah claimed for adjustment of advance given to him for Examination Centre expenditure. The total amount in this regard come to Rs.4,54,407/-, out of which a sum of Rs.2,86,880/- was adjusted as advance and the due balance amount Rs. 1,67,527/- has already been given to him.

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The case was dismissed and now the petitioner (Dr Sah) has filed Money Suit in Civil Court, Patna which is pending.

In CWJC No. 9568/99, Dr B D Sah claimed all pre and post retrial dues including salary amounting to Rs.2,12,872/-, for affiliation period of RK College, Patna. He has stated that all admissible amount for pre and post retrial dues have been paid to him except salary of Rs.2,12,872/- for affiliated period and the University is not liable for this payment.

The further stand of the University is that in CWJC No.6076/2002, Dr B D Sah claimed statutory interest on delayed payment and to take into account 34 years of service for calculation of his pension. The University has stated that all admissible amount of statutory interest on un-deposited P.F. and DDA has already been paid and the full qualifying period of service as claimed by him was taken into account for calculation of pension.

The stand of the University further is that Dr B D Sah has claimed the salary for the period July, 1977 to November, 1986 of Rs.2,12,872/- when the College was affiliated. The said College was taken over in the month of December, 1986. The State Govt. did not release the grant particularly the deficit grant for the period for which he claimed. The Govt. had released the grant to meet the amount required for payment for the period of service after conversion of the College into constituent units. Dr B D Sah was Principal of RKD College, Patna when the College was taken over and an agreement was made between the Principal and Secretary of that College with Registrar of the University that they would not claim the salary for the period prior to December, 1986.

In CWJC No. 5293/04, Dr B D Sah claimed arrears of salary as well as pension in revised pay scale of Professor (Rs.16400-22400/-) which has already been paid to him.

The University has denied to the claim of compensation of Rs.15,00,000/- made by Dr B D Sah.

Learned Counsel appearing on behalf of the appellant has conceded that the petitioner has been paid all the pre and post retrial benefits except the arrear salary from July, 1977 to November, 1986 of Rs. 2,12,872/- when the College was affiliated.

The relevant documents available in record shows that the University in pursuance of the order dated 27.6.2005 passed in CWJC No. 9669 of 1999 had sent requisition of salary for a sum of Rs.2,12,872.50 but the same was not paid due to

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