

IN THE HIGH COURT OF JHARKHAND AT RANCHI

**Cont. Case (Civil) No. 298 of 2017**

1. Basant Kumar Bilung
2. Birendra Kishore Singh
3. Tarcitius Soreng
4. Peter Kullu
5. Benedict Bilung
6. Daud Runda
7. Surya Rao..... --- Petitioners

Versus

1. The State of Jharkhand
2. Smt. Raj Bala Verma, the Chief Secretary, Govt. of Jharkhand, Ranchi
3. Sri Aradhna Patnaik, the then Secretary, Human Resource Development Department, Govt. of Jharkhand, Ranchi
4. Shri Balandu Bhushan Anand Murti the then, Director, at Present Smt. Meena Thakur, Director, Higher Education, Human Resource Development Department, Govt. of Jharkhand, Ranchi
5. Shri Rajiv Kumar, S.S.D to His Excellency, the Governor of Jharkhand and Chancellor of Universities of Jharkhand, Ranchi--- Opposite Parties

With

**Cont. Case (Civil) No. 300 of 2017**

1. Dr. Mrs. Manju Sharma
2. Sri Alim Ansari @ Md. Alim Ansari
3. Mr. Md. Nasir
4. Mr. Md. Shamsul Haque
5. Sri Pankaj Chatteraj @ P. Chatteraj
6. Prof. D.Dey @ Dipankar Dey
7. Dr. Chin Sin
8. Dr. C.N.M. Himanshu
9. Sri Anisur Rahman @ A. Rahman
10. Dr. S.B.Bhattacharya
11. Dr. Franklin Baxla
12. Dr. (Mrs.) Pulcheria John Horo
13. Dr. (Mrs.) P.Singh @ Priyambada Singh
14. Dr. Ratna Banerjee
15. Dr. (Mrs.) Kabita Banerjee
16. Dr. (Mrs.) Ashalata Linda
17. Dr. D.K.Srivastava
18. Dr. Sri Ram Singh
19. Dr. Birendra Kumar Sahay @ B.K.Sahay --- Petitioners

Versus

1. The State of Jharkhand
2. Mrs. Rajbala Verma, Chief Secretary, Govt. of Jharkhand, Ranchi
3. Ajay Singh, Principal Secretary, Department of Human Resources Development (Higher Education), Govt. of Jharkhand, Ranchi
4. Ms. Meena Thakur, Director, Higher Education, Department of Human Resources Development, Govt. of Jharkhand, Ranchi
5. Rajiv Kumar, O.S.D (J) to His Excellency, the Governor of Jharkhand and Chancellor of Universities of Jharkhand, Ranchi --- Opposite parties

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**Cont. Case (Civil) No. 307 of 2017**

1. Dr. Langeswar Nath Choubey --- Petitioner

Versus

1. The State of Jharkhand
2. Secretary, H.R.D. Deptt. Higher Education, Govt. Of Jharkhand, Ranchi.
3. Shri Ajay Singh, Director, H.R.D. Department, Higher and Technical Education, Govt. of Jharkhand, Ranchi
4. Prof. Dr. Ramesh Pandey, Vice-Chancellor, Ranchi University, Ranchi
5. Dr. Amar Kumar Choudhary, Registrar, Ranchi University, Ranchi
6. The H.E. Governor-Cum-Chancellor, Universities of Jharkhand, Ranchi --- Opposite parties

**Cont. Case (Civil) No. 308 of 2017**

Prof. Dr. Bhunwa Ram Soni --- Petitioner

Versus

1. The State of Jharkhand
2. Secretary, H.R.D. Deptt. Higher Education, Govt. of Jharkhand, Ranchi
2. Mr. Ajay Kumar Singh, Director, H.R.D. Department, Higher and Technical Education, Govt. of Jharkhand, Ranchi
3. Prof. Dr. Ramesh Pandey, Vice-Chancellor, Ranchi University, Ranchi
4. Dr. Amar Kumar Choudhary, Registrar, Ranchi University, Ranchi
6. The H.E. Governor-Cum-Chancellor, Universities of Jharkhand, Ranchi --- Opposite parties

**Cont. Case (Civil) No. 323 of 2017**

1. Bansi Badan Nandi
2. (i) Kiran Smrity Toppo  
(ii) Kanchan Smita Toppo  
(iii) Abhay Kundan Sumit Toppo
3. Shashi Bhushan Mahto
4. Anita Ekka --- Petitioners

Versus

1. The State of Jharkhand
2. Sri Ajay Kumar Singh, presently working as Secretary, Human Resources Development Department (now Higher & Technical Education Department), Govt. of Jharkhand
3. Sri Amit Khare, presently working as Secretary, Department Of Finance, Govt. of Jharkhand, Ranchi
4. Sri Meena Thakur, presently working as Director, Higher Education, Govt. of Jharkhand, Ranchi
5. Sri Amar Kumar Choudhary, presently working as Registrar, Ranchi University, Ranchi --- Opposite parties

**Cont. Case (Civil) No. 336 of 2017**

Dr. (Mrs.) Bharati Sinha --- Petitioner

Versus

1. The State of Jharkhand
2. Mrs. Rajbala Verma, Chief Secretary, Govt. of Jharkhand, Ranchi
3. Ajay Singh, Principal Secretary, Department of Human Resources Development (Higher Education), Govt. of Jharkhand, Ranchi
4. Ms. Meena Thakur, Director, Higher Education, Department of

- Human Resources Development, Govt. of Jharkhand, Ranchi  
 5. Rajiv Kumar, O.S.D (J) to His Excellency,  
 the Governor of Jharkhand and Chancellor of Universities of  
 Jharkhand, Ranchi ...Opposite parties

**Cont. Case (Civil) No. 378 of 2017**

Shabya Roy ..... --- Petitioner

Versus

1. The State of Jharkhand
2. Rajbala Verma, Chief Secretary, Govt. of Jharkhand, Ranchi
2. Ajay Kumar Singh, Principal Secretary,  
 Human Resources Development Department (Higher Education),  
 Govt. of Jharkhand, Ranchi
3. Meena Thakur, the Director, Higher Education, Human Resources  
 Development Department, Govt. of Jharkhand, Ranchi
5. Santosh Kumar Satpathy, O.S.D (J) to Her Excellency,  
 the Governor of Jharkhand and Chancellor of Universities of  
 Jharkhand, Ranchi --- Opposite parties

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**CORAM: Hon'ble Mr. Justice Aparesh Kumar Singh**

Through: Video Conferencing

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For the Petitioners : Mr. Rajesh Kumar, Adv.  
 (in Cont. Case No. 298/2017)  
 : M/s. A.Allam, Sr. Adv. & Faishal Allam  
 (in Cont. Case No. 300 & 336 of 2017)  
 : Shree Krishna Pandey, Advocate  
 (in Cont. Case No. 307 & 308/2017)  
 M/s. Amit Kumar Das & Swati Shalni, Advs.  
 (In Cont. Case (Civil) No. 323 of 2017)  
 Mr. Pandey Neeraj Rai, Adv.  
 (In Cont. Case (Civil) No. 378 of 2017)

For the State : Mr. P.A.S.Pati, Advocate  
 Mr. A.K.Mehta, Advocate (Ranchi University)  
 Mrs. J. Mazumdar, Advocate (Ranchi University)  
 (In Cont. Case (Civil) No. 307 & 308/2017)

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18/10.09.2021

**Cont. Case (Civil) No. 298 of 2017**

Supplementary show cause has been filed by opposite party no. 3 on 7<sup>th</sup> September, 2021. Learned counsel for the opposite party no. 3, Director, Higher and Technical Education, Mr. Pati states that full and final payment of arrears of pension and second instalment have been made to the petitioners as informed by the University as per letter dated 4<sup>th</sup> September, 2021 issued by the Registrar, Ranchi University in favour of Director, Higher and Technical Education. It is submitted that the order has been complied with. Mr. Pati submits that copy of the show cause on behalf of opposite party no. 3 has been served on learned counsel for the petitioner.

Learned counsel, Mr. A.K. Mehta who represents the Registrar, Ranchi University in other analogous contempt petitions states on instructions that petitioners in this contempt case have been made full and final payment of the second instalment and arrears of pension till July, 2021. Learned counsel for the University submits that for current and future pension, Management of the minority college has to send the statement of claim to the University on regular basis, so that the admissible pension due to individual employees can be disbursed in future.

Learned counsel for the State, Mr. P.A.S. Pati has endorsed the last submission made by Mr. Anoop Kumar Mehta, learned counsel for the University on the issue of payment of current and future pension, upon instructions of the officials of the Directorate of Higher and Technical Education, Government of Jharkhand.

In that view of the matter, the order passed in the present contempt petition have been duly complied with. The instant petition stands disposed of.

**Cont. Case (Civil) No. 300 of 2017**

Supplementary show cause has been filed by opposite party no. 3 on 7<sup>th</sup> September, 2021. Learned counsel for the opposite party no. 3, Director, Higher and Technical Education, Mr. Pati states that full and final payment of arrears of pension and second instalment have been made to the petitioners as informed by the University as per letter dated 4<sup>th</sup> September, 2021 issued by the Registrar, Ranchi University in favour of Director, Higher and Technical Education, Govt. of Jharkhand.

Learned counsel for the University submits that for current and future pension, the Management of the minority college has to send the statement of claim to the University on regular basis, so that the admissible pension due to individual employees can be disbursed in future.

Learned counsel for the State, Mr. P.A.S. Pati has endorsed the last submission made by Mr. Anoop Kumar Mehta, learned counsel for the University on the issue of payment of current and future pension upon instructions of the officials of the Directorate of Higher and Technical Education, Government of Jharkhand.

Learned senior counsel for the petitioner, Mr. A. Allam submits that some of the writ petitioners have preferred intervention application no. 4844 of 2021 as the order has not been complied in their respects.

Since the order under offence has been complied with as per the statement of the learned counsel for the State based on the show cause filed by the Director, Higher and Technical Education, Govt. of Jharkhand, the instant contempt petition is being disposed of leaving it for the intervener applicants to raise their grievances in an independent proceedings before the appropriate forum/Court.

Learned senior counsel for the petitioners, then submits that to his knowledge, some of the petitioners in this contempt petition have died during pendency of this petition. He seeks liberty for the legal heirs of the deceased petitioners to approach the minority colleges in question for staking their claim.

Needless to say, the claim of such applicants/legal heirs would be subject to scrutiny of their identity and claim by the minority institution before forwarding their claim to the University for disbursement of any admissible of the deceased employees.

I.A. No. 4844 of 2021 stands disposed of.

**Cont. Case (Civil) No. 307 & 308 of 2017**

As per the categorical statements made in the respective contempt petitions on behalf of opposite party nos. 3 & 4 in supplementary show cause dated 4<sup>th</sup> September, 2021, the individual petitioners-employees of Gossner college have been paid full and final payment of second instalment and arrears of pension upto July, 2021.

Learned counsel for the University submits that for current and future pension, Management of the minority college has to send the statement of claim to the University on regular basis, so that the admissible pension due to individual employees can be disbursed in future.

Learned counsel for the State, Mr. P.A.S. Pati has endorsed the last submission made by Mr. Anoop Kumar Mehta, learned counsel for the University on the issue of payment of current and future pension, upon instructions of the officials of the Directorate of Higher and Technical Education, Government of Jharkhand.

In that view of the matter, order passed in the present contempt petition have been duly complied with. Instant petition stands disposed of.

**Cont. Case (Civil) No. 323 of 2017**

I.A. No. 4493 of 2021 has been preferred by legal heirs of the deceased-petitioner no. 2, Jastin Toppo seeking substitution in place of the deceased

petitioner no. 2 who is stated to have died on 2<sup>nd</sup> August, 2021 during pendency of the petition. Wife of the petitioner, Jastin Toppo had also died on 12<sup>th</sup> August, 2021. It is stated by learned counsel for the applicants that the applicants are two daughters and one son named at para-6 of the instant I.A.

There is no objection to the prayer for substitution on behalf of the learned counsel for the opposite party-University, Mr.Mehta. However, he submits that claim of individual legal heirs/applicants needs to be verified by the Management of Gossner College before forwarding the claims to the University for disbursement of any admissible dues.

In that view of the matter, prayer for substitution of the applicants in place of petitioner no. 2 is allowed subject to the aforesaid rider. Registry shall carry out the substitution in the array of parties.

Opposite party no. 5, Registrar, Ranchi University has filed an affidavit to show compliance under offence pursuant to the previous order dated 6<sup>th</sup> August, 2021. Learned counsel for the opposite party no. 5, Mr. A.K.Mehta has referred to the categorical statements made in the show cause starting from Para-6 onwards detailing the computation of claims of individual petitioners in each of the minority colleges i.e, Maulana Azad Medical College, Nirmala College, Yogada Satsang College, St. Xavier's College and Gossner College and showing full and final payment of second instalment and arrears of pension to 33 petitioners out of 34 upto July, 2021. Since the petitioner Jastin Toppo, ex-employee of Gossner College has died on 2<sup>nd</sup> August, 2021, it is submitted that his legal heirs have to be substituted after due verification by the College. Thereafter, their claim have to be forwarded to the University. The admissible amount would be disbursed to the legal heirs of the deceased petitioner no. 2, Jastin Toppo upon proper scrutiny and verification by the University. Therefore, the order has been complied with in letter and spirit.

Learned counsel for the University submits that for current and future pension, the Management of the minority college has to send the statement of claim to the University on regular basis, so that the admissible pension due to individual employees can be disbursed in future.

Learned counsel for the State, Mr. P.A.S. Pati has endorsed the last submission made by Mr. Anoop Kumar Mehta, learned counsel for the University on the issue of payment of current and future pension, upon instructions of the officials of the Directorate of Higher and Technical Education, Government of Jharkhand.

Learned counsel for the petitioners, Mr. Amit Kumar Das submits that the claim of legal heirs of the deceased petitioner no. 2, Jastin Toppo has already been made before the Management of the college for necessary action.

In that view of the matter, the order under offence and the orders passed in the present contempt petition have been duly complied with. Accordingly, the instant petition stands disposed of.

**Cont. Case (Civil) No. 336 of 2017**

Learned counsel for the petitioner Mr. A. Allam does not dispute the statement of learned counsel for the State Mr. P.A. S. Pati that the order under offence has been complied with by making full and final payment of second instalment and arrears of pension due to the petitioner till 31<sup>st</sup> July, 2021.

Learned counsel for the University submits that for current and future pension, the Management of the minority college has to send the statement of claim to the University on regular basis, so that the admissible pension due to individual employees can be disbursed in future.

Learned counsel for the State, Mr. P.A.S. Pati has endorsed the last submission made by Mr. Anoop Kumar Mehta, learned counsel for the University on the issue of payment of current and future pension, upon instructions of the officials of the Directorate of Higher and Technical Education, Government of Jharkhand.

Accordingly, the instant petition is disposed of.

**Cont. Case (Civil) No. 378 of 2017**

In the present contempt matter, the same show cause filed by the Registrar, Ranchi University dated 4<sup>th</sup> September, 2021 in contempt petition no. 323 of 2017 has been served upon learned counsel for the sole petitioner as it takes care of the compliance of the order under offence in her case. Moreover since the Registrar Ranchi University was not specifically impleaded as a party in the instant petition. Learned counsel for the University, Mr. A. K. Mehta has referred to the categorical statements made in respect of petitioners/employees of Gossner College at para 7E of the show cause and the chart prepared by the Ranchi University at page-34 concerning that College and the receipt of admissible payment by individual employees including the petitioner at serial no. 8 at page 37 of this affidavit.

Learned counsel for the petitioner has tried to make a point that deduction on account of EPF has been made along with interest from the admissible dues, though interest component should not be adjustable from the admissible dues. Mr. Mehta has endeavoured to explain that EPF contribution of

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the employer share paid to the petitioner earlier have been adjusted together with interest as per the applicable statute.

However, this Court in contempt jurisdiction is not inclined to enter into the aforesaid issue. Petitioner is left with liberty to make a representation in this regard to the Management of the College, which may be considered as per the applicable statute and the relevant service records of the employee.

Accordingly, the instant petition is disposed of. I.A No. 1247 of 2021 stands disposed of.

**(Aparesh Kumar Singh, J)**

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