

IN THE HIGH COURT OF JHARKHAND, RANCHI

W.P.(S) No.985 of 2020

Dr. Dinesh Pratap Singh, aged about 59 years, s/o late Shri Faujdar Singh, R/o Qtr. No.295, Street -12, Sector 9/B, PO and PS B.S. City, Dist. Bokaro, Jharkhand 827 009. Petitioner

---Vs.---

1.The State of Jharkhand, through the Secretary, Department of Human Resources Development, Government of Jharkhand, Project Building, Dhurwa, PO and PS Dhurwa, District-Ranchi

2.The Director, Higher Education, Department of Human Resources Development, Government of Jharkhand, Project Building, Dhurwa, PO and PS Dhurwa, District Ranchi

3.Vinoba Bhave University, through the Registrar,Vinoba Bhave University, Vinoba Bhave University Road, Sindoor, PO and PS Hazaribagh, Jharkhand

4.Binod Bihari Mahto Koylanchal University, through the Registrar, Binod Bihari Mahto Koylanchal University, Sardar Patel Nagar, PO and PS Dhanbad, Jharkhand Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner	:	Mr. Baibhaw Gahlaut, Advocate
For the Respondent-State	:	Mr. Debo Priyo Pal, AC to AG-III
For the Resp.-V.B.University:	:	Mr. I. Sen Choudhary, Advocate
For the Resp.-B.B.M. Univ.	:	Mr. A.K. Mehta, Advocate

Order No. 2 : Dated 07th July, 2020

Heard Mr. Baibhaw Gahlaut, the learned counsel appearing for the petitioner, Mr. I. Sen Choudhary, the learned counsel for respondent Vinoba Bhave Univesity, Mr. A.K. Mehta, the learned counsel for respondent Binod Bihari Mahto Koylanchal University and Mr. Debo Priyo Pal, AC to AG-III appearing on behalf of the respondent-State.

2. This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have

complained about any technical snag of audio-video and with their consent this matter has been heard.

3. The petitioner has preferred this writ petition for direction upon the respondents to release the funds of arrears of payment of salary for the period of 01.01.1996 to 31.12.2005.

4. The learned counsel for the petitioner submits that the petitioner was appointed on 19.09.1985 as Lecturer on the sanctioned post in Chas College, Chas, at that time when it was affiliated college under Ranchi University, Ranchi. The said college was made constituent unit of Ranchi University in accordance with the provisions of Bihar Universities Act, 1976 under the 4th phase and the Ranchi University was bifurcated in the year 1992, and Chas College, Chas came under the jurisdiction of Vinoba Bhave University. In the meantime, several litigations were there which was travelled up to the Supreme Court in Civil Appeal No.6098 of 1997 wherein Justice S.C. Agarwal Commission was appointed and pursuant to Justice S.C. Agarwal Commission the appointment of the petitioner was confirmed by the said Commission. The petitioner was promoted to the post of Associate Professor under ten years promotion rule which was after the concurrence provided by the JPSC in view of Annexure-4. The learned counsel for the petitioner submits that the petitioner has not received the revision under the 5th pay commission and 6th pay commission recommendation. He further submits that however the petitioner has received Rs.10,64,460/-. He submits that further an amount of Rs.8,03,999/- is due for the period 01.04.2010 to 31.04.2012, a sum of Rs.25,70,154/- for the period of 01.05.2012 to 31.03.2017 under the 6th pay revision and he further submits that a sum of Rs.93,851/- for the period 01.01.1996 to 14.11.2000, Rs.52,301/- for the period 15.11.2000 to 17.10.2002 and Rs.1,34,101/- for the period 18.10.2002 to 31.12.2005 under the 5th pay revision is also due. He submits that these dues need to be released by the respondent nos.3 and 4.

5. Mrs. Choudhary, the learned counsel for respondent no.3 and Mr. Mehta, learned counsel for the respondent no.4 fairly submit that the petitioner may kindly be directed to file a fresh representation before the respondent nos.3 and 4 along with all the credentials on which the

petitioner is relying and the respondent-University shall take a decision in accordance with rules, regulations and guidelines considering the 5th and 6th pay revision.

6. Accordingly, the petitioner is directed to move before the respondent nos.3 and 4 by way of filing a fresh representation along with all credentials within three weeks from today.

7. If such a representation is filed within the aforesaid period, the respondent nos. 3 and 4 shall take a decision in accordance with rules, regulations and guidelines particularly taking into account the recommendation of the 5th and 6th pay commission recommendations within eight weeks thereafter.

8. It goes without saying that the respondent Universities shall consider the case of the petitioner in the light of the medical report at the earliest as the son of the petitioner is suffering from chronic kidney disease and the reports are also on the record by way of Annexures. It is expected that in the light of the medical report the respondent nos. 3 and 4 shall take a decision at the earliest and determine the claim of the petitioner and start the process in accordance with law so that the benefit must be accrued to the petitioner at the earliest.

9. It is needless to say that once the respondent nos.3 and 4 shall determine the amount for payment to the petitioner, they will send the same to the State Government and the State Government shall release the same to the respondent University for disbursement of the same to the petitioner within 8 weeks from the date of receipt of determination from the University and the University shall release the same in favour of the petitioner within four weeks thereafter.

10. With the above observation and direction, the instant writ petition [W.P.(S) No.985 of 2020] stands disposed of.

(Sanjay Kumar Dwivedi, J.)