

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3382 of 2015

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Awanindra Mohan Mishra, son of Late Arjun Mishra, resident of Village- Rampur,
Police Station- Sajour, Post Office- Daryapur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The Vice Chancellor Rajendra Agriculture University, Pusa, Samastipur
2. The Registrar, Rajendra Agricultural University, Pusa, Samastipur,
3. The Director, Rajendra Agricultural University, Pusa, Samastipur,
4. The Dean, Rajendra Agricultural University, Pusa, Samastipur,
5. The Vice Chancellor, Bihar Agriculture University, Sabour, Bhagalpur,
6. The Registrar, Bihar Agriculture University, Sabour, Bhagalpur,
7. The Principal, Bihar Agriculture College, Sabour, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Syed Masleh-uddin Ashraf, Adv.

For the Respondent/s : Mr. Chandra Mohan Singh

For the University : Mr. A.K. Upadhayaya, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 09-03-2015

Heard learned counsel for the parties.

The prayer of the petitioner in this writ application reads as follows:-

"1. That the present writ application is being filed for the issuance of an appropriate writ/order/direction commanding the respondents to pay the retrial benefits viz. G.P.F., group insurance, gratuity, full pension and leave encashment, on revised pay scale of Rs. 5000-8000, after calculating the benefits of time bound promotions, as well as all other legal and admissible dues payable to the petitioner forthwith.-----"

Learned counsel for the petitioner submits that the petitioner had retired from service on 31.8.1997 and, as such, he became entitled



for revision of his pay-scale which came into force with effect from 1.1.1996. He has also submitted that the University despite recommendation made by the Associate Dean-cum-Principal of the Bihar Agriculture College, Sabour to the Director Administration, Rajendra Agricultural University, Bihar as with regard to entitlement of the petitioner to the pay-scale of Rs. 5000-8000 or Rs. 4000-6000 has not taken any decision. In this regard, he has also drawn attention to a representation filed by the petitioner on 21.12.2006 as contained in Annexure-2 to this writ application.

Mr. A.K. Upadhayay, learned counsel for the University, on the other hand, has submitted that the petitioner has a chequered service history, inasmuch as, for sometime he was placed under suspension. He has also pointed out that earlier the case of the petitioner was being dealt by the Rajendra Agricultural University under which Bihar Agriculture College, Sabour was functioning but then subsequently on creation of Bihar Agricultural University, Sabour, the college of the petitioner, namely, Bihar Agriculture College, Sabour has stood transferred to Bihar Agricultural University and, as such a decision with regard to the earlier reference made with regard to entitlement of the petitioner of the pay-scale of Rs. 4000-6000 or Rs. 5000-8000 is required to be taken by the competent authority of the Bihar Agricultural University.



In the considered opinion of this Court, there is no dispute to the petitioner being entitled to get his retirement benefit in the revised pay-scale because if he had continued in service till 31.8.1997, the benefit of revised pay-scale had to be given to him, inasmuch as, such benefit had been given to all the working employees since 1.1.1996 by way of fixation of pay in revised pay scale with also payment of financial benefit with effect from 1.4.1997.

The issue, therefore, would be as to what pay-scale the petitioner was drawing at the time of his retirement and whether such pay-scale on being revised with effect from 1.1.1996 would yield any benefit to the petitioner in the matter of his retirement benefit. The petitioner himself has produced no evidence in this regard save and except a communication of the Principal of the college. The Principal of the college in fact himself was not sure of the entitlement of the petitioner because he had sought instruction of University as to whether the petitioner would be entitled for revised pay-scale of Rs. 4000-6000 or Rs. 5000-8000.

In that view of the matter, this Court would direct the respondents to consider the grievance of the petitioner and take a decision but it is made clear that such decision will not go beyond the last pay drawn by the petitioner in the earlier pay-scale. Thus whatever pay-scale was being paid to the petitioner on the date of his

retirement and on the basis of which the retirement benefit had been paid shall be required to be recalculated in revised in the pay-scale coming into force with effect from 1.1.1996. If on making such exercise of revision of pay-scale, the petitioner is found entitled to any additional amount by way of arrear and current amount of pension and other retirement benefit, payment thereof should also be made to the petitioner. This exercise, however, must be completed within a period of four months from the date of receipt of this order.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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