

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4660 of 2014

IN

Civil Writ Jurisdiction Case No. 23746 of 2012

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1. Dr. Suresh Bahadur Mathur, Son of Late Bhagwati Lal Mathur Resident of Mohalla - C/2/812, Charmwood Suraj Kund Road Faridabad, Presently residing at New Jakkanpur, 208 Shashti Complex, District - Patna, a superannuated employee as University Professor from G.D. College - Begusarai, a constituent unit of L.N. Mithila University, Darbhanga
 2. Dr. Narmadeshwar Nath Sinha Son of Late Kedar Nath Sinha Resident of Mohalla - New Jakkanpur, 208 Shashti Complex, District - Patna, a superannuated employee as University Professor from G.D. College Begusarai, a constituent unit of L.N. Mithila University, Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Amarjeet Sinha, the Principal Secretary, Higher Education, Govt. of Bihar, New Secretariate, Patna
3. Dr. S.N. Jha, Presently posted as Vice-Chancellor, L.N.M. University, Darbhanga
4. Sri Vijay Prasad Singh, Presently posted as Registrar, L.N.M. University, Darbhanga
5. Sri Shushil Choudhary, the Finance Officer, L.N.M. University, Darbhanga
6. Sri Chandra Bhanu Singh, Presently posted as Principal, G.D. College Begusarai, District - Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh

For the Respondent/s : Mr. RAJIV ROY

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

Date: 18-09-2015

Tragedy does not strike once. In Bihar it comes in installments. The two petitioners in this application for initiating contempt proceeding, were University Professor of L. N. Mithila University, who are being forced to use their retiral period in litigating and running up and down the corridors of the Secretariat, University and this Court, trying to secure their retiral dues. The State ensures



that this avarice feeling continues even for a retired person. There is absolutely no sympathy, and they are treated with utmost apathy. Pensions were revised with effect from 1-4-2007, which decision was taken after more than five years of delay on 16-8-2012. The petitioners, who are retired persons, moved this Court for payment of revised pension. This Court noticed that in the Government Resolution itself it was provided that the payment of revised pensions will be made in three instalments, the last being 31st March, 2015. The writ petition was, accordingly, disposed of on 14-5-2013, directing that the pensions should be disbursed equally in accordance with the time schedule given in the Resolution and those that had become due and payable should be cleared within one month. The order forewarned the Registrar of the University that any delay would entail contempt proceedings being initiated against him.

2. In Bihar nothing moves unless pushed by Court. The two petitioners are before this Court. This application for initiating contempt proceeding was filed in December 2014. The last date for payment of entire arrear of pension was fixed as 31st March, 2015. We are in September 2015, and payments are still due. In respect of petitioner no.2 it is stated that some calculation has been done and the cheque has been issued on 28th August, 2015. Learned counsel for the petitioners states that till date the cheque is yet to find its way to the



pocket of the petitioner. It has been withheld at some intermediate stage waiting for some push from some where. It is a matter of regret that in this electronic age, where electronic money transfers are available, for some oblique purpose, the State and University still depend on cheque transfers. Obviously, there is a premium on delivery of cheque, which would be lost by electronic transfer. This exemplifies that.

3. So far as petitioner no.1 is concerned, it is worse. The State while sanctioning the money has put a rider. It is stated that unless the Government Auditor verifies the pay fixation(presumably done 25 years back) and certifies correctness in all respects, payment of arrears of pension would not be made. The verification has to be done by P.V.C.(Pay Verification Cell). This Court fails to understand this. It is nothing but to keep harassing and delaying payment. Now, it is the discretion of the Pay Verification Cell, and the discretion with a premium. The pay fixation was done by Statutory Committee, and that too decades back. Petitioner no.1 having retired almost a decade back, if it is not mischievous, it is malafide that at this stage the pay fixation would now be checked all over again. It would have been another matter if there is information by the State that there has been some wrong committed. There cannot be a witch hunting, and that too at the discretion of someone sitting somewhere. Nothing like this was

said in respect of petitioner no.2 whose cheque has already been issued, but in respect of petitioner no.1 everything is withheld.

4. Rejecting the show cause, I direct the University to ensure that both petitioner nos. 1 and 2 are paid their revised pensions and if any objection being made by the State, it would be taken to be a contempt of this Court. If payments are not made to the petitioners within two weeks from today, the Registrar of the University would be liable to be proceeded for contempt without any further show cause. It is made clear that while payments are made, calculations intelligible to common man must accompany the payments.

5. With this direction and observation, this application is, accordingly, disposed of.

(Navaniti Prasad Singh, J)

B.K.Roy/-

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