

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No 3429 of 2013
IN
Civil Writ Jurisdiction Case No 19264 of 2011

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Om Prakash Singh S/O Late Adhiklal Singh Resident Of Village- Ramgarh, P.O-
Kharik, P.S- Kharik, District- Bhagalpur.

.... Petitioner/s

Versus

1. Tilka Manjhi Bhagalpur University, Bhagalpur through Its Registrar, namely, Sri Tahir Hussain
2. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur, namely, Sri Anjani Kumar Verma.
3. The Registrar Tilka Manjhi Bhagalpur University, Bhagalpur, namely, Sri Tahir Hussain
4. The Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur, namely, Sri N.K. Verma.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Gopal Prasad Roy, Advocate
For the Respondent/s : Mr Anjani Kumar, Sr Advocate with
Mr Amarendra Kumar, Advocate

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

Date: 08-02-2017

Petitioner was recruited as Routine Clerk –cum- Typist in the Tilka Manjhi University (for brevity, *the University*) on 18.04.1966. He retired on 31.05.2003. Whole dispute started with regard to various claims made. The disputed pay is with regard to Assured Career Progression (for brevity, *ACP*). According to petitioner, he was in the pay scale of Rs 4,000 to Rs 6000 when he superannuated instead he was granted an increment of Rs 100/- as first ACP which is nothing but annual increment. According to petitioner, he should have been brought in the pay scale of Rs 4,500/- to Rs 7,000/- and, accordingly, placed in the said pay scale commensurate



to the position he had in the earlier pay scale. After various affidavits, the positions remained unclear as to how fitment will be made in the next higher scale. This problem is further compounded by grant of second ACP. University has sought to justify its calculation and petitioner has contradicted them.

2 In my view, in the present jurisdiction, it is neither possible nor advisable to enter into this controversy. This requires a detailed hearing which can only be settled in a regular proceeding and not as a part or an adjunct of contempt proceedings.

3 Petitioner, if so advised, may file appropriate application before appropriate forum or Court ventilating his grievance.

4 However, it is made clear that as the parties are contesting the position, University would not take any action adverse to the interest of the petitioner so long as the dispute remains. More so as the petitioner has superannuated in the year 2003 that is 14 years back, in view of the judgment of Apex Court in the case of *State of Punjab & Others –Versus- Rafiq Masih (White Washer) & Others*, (2015) 4 Supreme Court Cases 334.

5 With these observations/directions, this application stands disposed of.

(Navaniti Prasad Singh, J)

M.E.H./-

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