

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12573 of 2016

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Tapeshwari Kumar aged about 86 years, son of late Yamuna Prasad Kumar,
Resident of Jamuna Mahal, P.O and P.S.- Adampur, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Higher Education, Bihar, Patna.
2. The Vice Chancellor, Tilka Manjhi, Bhagalpur, University at Bhagalpur.
3. Tilka Manjhi, Bhagalpur, University through its Registrar, District- Bhagalpur.
4. The Auditor/Finance Officer, Tilka Manjhi, Bhagalpur, University .
5. The Auditor for State of Bihar, posted at Tilka Manjhi, Bhagalpur, at Bhagalpur.
6. The Principal ,TNB Law College, Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Neelmani Guha, Advocate
For the State	:	Mr. Anil Kumar, AC to GP-20
For the University	:	Mr. Mallika Mazumdar, Advocate
For the Respondent/s	:	Mr. MADANJEET SINGH- GP20

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 25-01-2017

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the University.

2. It is contended by the learned counsel for the
petitioner that the balance of the post-retirement benefit of sixth
pay revision w.e.f. 01.01.1996 has not been paid to the petitioner. It
is also contended that the respondents have not paid the difference



amount of salary to the petitioner as per UGC scale for the post of Reader from 1991 to 31.01.1997.

3. A counter-affidavit has been filed on behalf of the State wherein it has been stated that the University has examined the claim of the petitioner and found that initially, he was appointed as full time law teacher in Tilka Manjhi Bhagalpur Law College, Bhagalpur in the year 1979, thereafter, he was promoted in the scale of Reader w.e.f. 20.11.1991.

4. It has been contended by the learned counsel for the University that after superannuation, the petitioner's monthly pension was fixed at the rate of Rs.3,388/- along with all admissible reliefs. Thereafter, in the revised pay-scale effective from April 2007, the petitioner's monthly pension was fixed as the rate of Rs.12,655/- along with all admissible reliefs. It has further been contended that the University calculated the payable amount under the head of arrear of pension for the period 01.04.1997 to 31.07.2012 and the admissible amount came out to Rs.7,54,690/-. Out of aforesaid Rs.7,54,690/-, a sum of Rs.6,83,700/-has been paid to the petitioner vide Cheque No. 005717 dated 09.07.2016 and the rest amount of Rs.70,990/- has been deducted and deposited in the head of income tax. It has also been contended that in compliance to the order passed by this Court, a supplementary counter-affidavit



has been filed annexing the calculation chart on the basis of which arrears of pension for the period 01.04.1997 to 31.07.2012 has been calculated.

5. In reply, learned counsel for the petitioner submitted that as per calculation chart produced by the University, last drawn salary payable to the petitioner is Rs.12,420/-under the revised pay scale of Reader and last payment drawn by the petitioner is Rs.7,866/-. He would submit that if the petitioner was given scale of Reader with effect from 20.11.1991, but the revised pay scale has not been calculated in accordance with law and the difference of these years has not been advanced to the petitioner.

6. I have heard learned counsel for the parties and perused the record.

7. Since the University has calculated the arrear of pension and paid the admissible amount to the petitioner, in case the petitioner has any grievance, he shall file a representation before the respondent no. 3, Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur specifying his claims in detail regarding payment of arrear of pension within four weeks from today.

8. In case such a representation is filed by the petitioner, the respondent no. 3 shall examine the same and dispose it of by a reasoned order within two months from the date of its



filing and, If any, amount is found payable to the petitioner, the same should also be paid to him within the aforesaid period.

9. With the aforesaid observation and direction, the writ application is disposed of.

(Ashwani Kumar Singh, J.)

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AFR/NAFR	NAFR
CAV DATE	...
Uploading Date	02.02.2017
Transmission Date	

