

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3530 of 2020

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Sunita Devi @ Sunita Kumari wife of Pappu Ram, resident of Kali Bari Road,
Muzaffarpur, District- Muzaffarpur, Pin Code- 842002.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Bihar, Patna.
2. Director Higher Education, Education Department, Bihar, Patna.
3. B.R. Ambedkar Bihar University, Muzaffarpur through its Registrar.
4. Vice Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur.
5. Registrar, B.R. Ambedkar Bihar University, Muzaffarpur.
6. Principal, M.D.D.M. College, Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Abhinav Srivastava Mr. Raushan, Advocates
For the Respondents	:	Mr. Subash Chandra Mishra, SC16
For the University	:	Mr. V.K. Bharti, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 25-02-2020

Heard learned counsel appearing on behalf of the petitioner, learned counsel for the University and learned counsel appearing on behalf of the State.

Mr. Abhinav Srivastava assisted by Mr. Raushan, learned counsel for the petitioner, draws attention to the order of this Court dated 29.08.2013 passed in CWJC No. 16828 of 2013 (Annexure-5) and the order dated 01.11.2018 passed in MJC No. 4055 of 2014 (Annexure-7). It is submitted that the petitioner was appointed on compassionate ground way back in the year 1995 and she was allowed pay scale of Rs.775-1025.



The respondents decided to grant revised pay scale and even the notification was issued in favour of the petitioner for grant of revised pay scale but actual benefit was never granted to the petitioner.

While disposing of the writ petition being CWJC No. 16828 of 2013, the Court has noted the entire facts and circumstances and directed the Registrar of B.R. Ambedkar Bihar University, Muzaffarpur to examine the grievance of the petitioner and ensure payment of the revised pay scale – both arrears as well as current, within a period of three months. Unfortunately, the direction of this Court was not carried out and the petitioner has approached this Court by filing a petition for initiating a contempt proceeding. The order dated 01.11.2018 passed in MJC No. 4055 of 2014 would indicate that as many as eight times the case was adjourned to facilitate the respondents to carry out the direction issued by this Court in MJC No. 4055 of 2014. Ultimately, the contempt proceeding was dropped on the specific stand taken in paragraph 7 and 8 of the counter affidavit that if the University has raised demand from the State Government and on receipt thereof, the University would pay the revised pay scale to the petitioner. Unfortunately, the direction issued by the Court has not been



carried out as yet.

The poor menial staff like the petitioner has to approach this Court twice in writ petition in addition to filing the petition for contempt. The Court in the facts and circumstances of the case is of the considered view that compelling the poor litigant to approach this Court for redressal of legitimate grievance is a travesty of justice. The University and the State Government, who are responsible towards poor employee, should provide the benefits whatever he/she is entitled are forcing them to come to this Court for redressal of her legitimate grievance once again is taxing and arbitrary.

From the order sheet in the writ petition as well as contempt proceeding it appears that all the times assurance was given to the Court that the respondents will redress the grievance of the petitioner but the petitioner has not been granted the benefits of revised pay scale.

In the circumstances, the present writ application is disposed of with a direction to the Vice Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur (respondent no. 4) to take personal care of the present case and ensure payment of all the dues admissible to the petitioner on account of the revision of pay scale. In the event the available fund is not adequate for



the University is not sufficient to pay arrears of revised pay scale the University shall raise demand from the State and the State Government is under legal and moral obligation to provide adequate fund so that the payment of arrears as well as current salary to the petitioner in the revised pay scale be made. The entire exercise for actual payment to the petitioner must be completed by the respondents within a period of sixty days from the date of receipt/production of a copy of this order failing which the authority of the University shall not draw salary until the entire arrears of revised pay scale are paid to the petitioner.

So far as the grievance of the petitioner as to ACP is concerned, the respondent-authority shall take appropriate decision with regard to entitlement of the petitioner for grant of ACP within time frame as indicated above.

(Anil Kumar Upadhyay, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

