

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3340 of 2019

Hari Narayan Tripathy, S/o - Sukhdeo Tripathy, R/o - Village and P.O -
Manikpur Pakri Via Lalganj, Dist. - Vaishali was working as Lecturer,
Department of Psychology, Dharma Samaj Sanskrit College, Muzaffarpur
... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Development Department, Govt. of Bihar, Patna
2. The Secretary, Higher Education, Human Resource Development Department, Govt. of Bihar, Patna
3. Kameshwar Singh Darbhanga Sanskrit University Kameshwarnagar, Darbhanga, through its Registrar
4. The Vice-Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwarnagar, Darbhanga
5. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwarnagar, Darbhanga
6. The Principal Dharam Samaj Sanskrit College, Muzaffarpur
... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Manoj, Advocate
For the State of Bihar	:	Mr. S.K. Ranjan, A.C. to G.P. 17
For the University	:	Mr. Gyanand Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 21-01-2021

Heard the parties.

The petitioner has sought for issuance of a command against the respondents to pay arrears of pension to the petitioner from September, 2018 as well as current pension because the respondents abruptly stopped payment of pension to the petitioner from September, 2018.

The petitioner joined on 16.02.1977 as Lecturer (Psychology) in Krishnamadhavanand Sanskrit College, Thanamath



Patna. One post of Lecturer besides other posts of Lecturer and other staff was already sanctioned by the State Government vide Annexure-2, letter dated 16.11.1976, a copy at Annexure-8 to the supplementary affidavit. The services of the petitioner was regularized by the University Selection Committee (the competent authority for the purpose) vide order dated 15.06.2013 at Annexure-5/1. The petitioner retired on 31.01.2014. Thereafter, the petitioner was getting pension. However, from September, 2018, the pension of the petitioner was stopped.

Probably, for the claim of the State-respondents in their counter affidavit that the petitioner was never appointed on substantive basis on the post of Lecturer nor his service was regularized or absorbed according to law, pension of the petitioner and others was stopped.

Learned counsel for the petitioner submits that identical order was passed in the matter of other retired teachers also in respect of their identical grievance in separate writ applications and this Court issued direction to the respondent-authorities to make payment of pension from the due date at the earliest. Reference has been made to orders passed in C.W.J.C. No. 10458 of 2019, C.W.J.C. No. 10892 of 2019 and C.W.J.C. No. 4666 of 2019. A copy of the order dated 05.10.2020 passed in C.W.J.C. No. 4666 of 2019 is at Annexure-10 to the supplementary affidavit wherein the Court has taken,



judgments in other writ applications referred above, into consideration and had issued direction to the respondents to make payment of the due pension.

On the basis of material noticed above, I do not find any merit in the contention of the State-respondents that appointment of the petitioner was not against the sanctioned post or was through out a temporary appointment. Likewise, the regularization of the service of the petitioner was by a competent authority.

Hence, prayer of the petitioner deserves to be allowed. Accordingly, the respondents are directed to make payment of due pension of the petitioner from September, 2018 within four months.

Learned counsel for the respondent no. 3 to 6 submits that the State-respondent no. 1 and 2 be directed to release fund at the earliest for payment of the dues of the petitioner. Accordingly, the respondent no. 1 and 2 are directed to release the fund for pension of the petitioner to be paid within the aforesaid time.

Accordingly, this writ application stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	22.01.2021
Transmission Date	22.01.2021

