

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13904 of 2018

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Ayodheya Prasad Singh Son of Late Rajdeo Singh, Resident of Mohalla -
Gajrah, Town - Sasaram, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources and Development Department,
Government of Bihar, Patna.
3. The Joint Secretary, Higher Education, Government of Bihar, Patna.
4. The Director, Higher Education, Government of Bihar, Patna.
5. The Veer Kunwar Singh University through Vice-Chancellor, Veer Kunwar
Singh University, Ara.
6. The Registrar, Veer Kunwar Singh University, Ara.
7. The Finance Officer, Veer Kunwar Singh University, Ara.
8. The Section Officer (Pension), Veer Kunwar Singh University, Ara.
9. The Principal, Sri Shankar College, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kamala Kant Tiwary, Advocate
For the State	:	Mr. Prabhakar Jha, GP 27 with Mr. Mukund Mohan Jha, AC to GP 27
For the VKSU	:	Mr. P K Verma, Sr. Advocate Mr. Rajesh Prasad Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 25-01-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Kamala Kant Tiwary, learned counsel for
the petitioner; Mr. Prabhakar Jha, learned GP 27 along with Mr.
Mukund Mohan Jha, learned AC to GP 27 for the State and Mr. P
K Verma, learned senior counsel along with Mr. Rajesh Prasad



Choudhary, learned counsel for the Veer Kunwar Singh University (hereinafter referred to as the 'University').

3. The petitioner has moved the Court for the following reliefs:

“That, this is an application praying for issuance of writ, order or direction to the Respondents to fix the pension of the petitioner in the pay scale of Rs. 9300-34800/- of demonstrator, redesignated direct from Lab-Technician and be pleased to direct the Respondents to pay all other retiral benefits such as Gratuity, Provident Fund, Earned Leave encashment, Group Insurance etc. and all other benefits which are not paid as yet to the petitioner who is legally and duly redesignated demonstrator on the sanctioned posts and be further pleased to pay all arrears of salary as they worked as redesignated demonstrator in the department of physics and be further pleased to pay the arrears of differences of pay which has not been paid for which the petitioner are entitled to and be further pleased to quash the order of adjustment of excess amount of salary drawn in the scale of Rs. 930-34800/-instead of Rs. 5200-20200/- as they continued to be as the redesignated demonstrators and in view of the order of the Hon'ble Supreme Court. And be pleased to declare that the petitioner is entitled to salary till he attained his age of superannuation at 65 years and also entitled to all benefits accordingly including retiral benefits and be pleased to quash the orders contained in Annexure-12 according to which his age of retirement was being treated as 62 years, which is contrary to the orders of the Hon'ble Supreme Court and also be pleased to quash contained in Annexure-13, 15 and 17 and be further pleased to stay the operation of these orders contained in Annexure-12, 13, 15, 17 and orders regarding recovery from the pensionary benefit or others and be pleased to pay the entire arrears of salary and



salary deducted from the petitioner or pass such other order or orders as your Lordships may deem fit and proper.”

4. During the pendency of the writ petition, the Pay Verification Cell of the State Government raised certain objections with regard to the entitlement of the petitioner. Upon receiving the same, the University revisited the matter and came to the conclusion that the objection raised was valid and accordingly, the Pay Fixation Cell of the University itself corrected the scale.

5. Learned counsel for the University submitted that he has brought such facts on record in the affidavit filed by him.

6. Learned counsel for the petitioner submitted that the same has been done without any notice to him.

7. Learned counsel for the University submitted that notice has been issued to the petitioner and he has opportunity to explain his side before the authorities.

8. Having regard to the aforesaid, the Court finds that no useful purpose shall be served by keeping the present application pending as now there is a fresh cause of action for which the petitioner has been noticed and shall have opportunity to place his defence before the authorities who shall be required to pass reasoned order thereupon.

9. Accordingly, the writ petition stands disposed off with liberty to the petitioner to reply to the notice issued to him with



regard to refixation of his pay in a lower scale. If the petitioner files his representation within the time stipulated, the authorities shall consider the same, in accordance with law and pass a reasoned, within four weeks from the date of filing of the reply by the petitioner. Depending on the order which may be passed, the petitioner shall be at liberty to move before the appropriate forum, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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