

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25431 of 2019

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Sachchida Nand Singh, S/o Late Jagdish Prasad Singh Resident of Mohalla-Karya Nand Nagar (West), Ward No.-9, Purani Bazar, Bijulia, P.O.- Akbarpur, P.S.- Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The Tilka Manjhi Bhagalpur University through the Vice Chancellor, T.M. Bhagalpur University, Bhagalpur.
2. The Vice Chancellor Tilka Manjhi Bhagalpur University, Bhagalpur.
3. The Registrar Tilka Manjhi Bhagalpur University, Bhagalpur.
4. The Finance Officer Tilka Manjhi Bhagalpur University, Bhagalpur.
5. The Principal In-charge Principal, K.S.S. (Karyanand Sharma Smarak) College, Lakhisarai (A constituent Unit under Tilka Manjhi Bhagalpur University, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Radha Raman Verma, Advocate.
For the Respondent/s : Mr.Ashhar Mustafa, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 13-04-2023 Heard Mr. Radha Raman Verma, learned counsel appearing on behalf of the petitioner and Mr. Ashhar Mustafa, learned counsel for the respondents.

2. Learned counsel appearing on behalf of the petitioner submits that in spite of the University having adopted the 5th pay revision on 01.04.1997 , the petitioner's pay scale was not revised w.e.f. 01.01.1996 and accordingly pension and gratuity of the petitioner was not fixed in revised scale which put him in pay band of PB-2 Rs.9300-34800 + G.P. 4200 as per the 6th pay revision from the month of March 2011. Petitioner



had superannuated on 28.02.2011 from the post of Store Keeper working in K.S.S. College, Lakhisarai. Learned counsel submits that the petitioner has filed his detailed representation before the Registrar, Tilka Manjhi Bhagalpur University for payment of difference of pension and gratuity as well as arrears of difference of salary in the revised pay scale of Rs.5500-9000/- w.e.f. 01.01.1996 in accordance with the adoption of the 5th pay revision w.e.f. 01.4.1997 and accordingly in revised pay band PB-2, Rs.9300-34800/- w.e.f. 01.01.2006 from the date of adoption of 6th pay revision from 01.04.2007, but the Registrar – Respondent No.3 has sat tight over the representation of the petitioner.

3. Learned counsel further submits that the authorities by sitting tight over the representation of the petitioner have put the petitioner to face hardship for non-payment of applicable rate from the effective dates as mentioned above.

4. Considering the fact that the University has adopted the recommendation of 5th pay revision and 6th pay revision from 01.04.1997 and 01.04.2007 respectively they cannot deny the benefit to a retired person in absence of any allegation of misrepresentation or misappropriation. This Court directs the Registrar, Tilka Manjhi Bhagalpur University to take a decision



for making payment of differential amount of salary taking into account the pay scale of Rs.5500-9000/- pursuant to adoption of 5th pay revision w.e.f. 01.04.1997 and also to give benefits of 6th pay revision by making payment of pension and gratuity in accordance with the revised pay band structure i.e. PB-2 9300-34800 + GP 4200 from March 2011 within a period of six weeks from the date of filing fresh representation by the petitioner. Authorities will also ensure payment of statutory interest at the applicable rate for the delay caused in making payment of the entire amount under different heads as claimed by the petitioner in accordance with law.

5. The writ petition accordingly stands disposed of.

(Purnendu Singh, J)

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