

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5281 of 2021

Dr. Chiranjib Jha S/o Late Hari Krishna Jha Resident of Nagdah, Ward No. 13, P.S.- Singhaul, District- Begusarai, retired as Associate Professor, department of Commerce, G.D. College, Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary Education Department, Government of Bihar, Patna.
3. The Vice- Chancellor Lalit Narayan Mithila University, Darbhanga.
4. The Registrar Lalit Narayan Mithila University, Darbhanga.
5. The Finance Officer Lalit Narayan Mithila University, Darbhanga.
6. The Principal G.D. College, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh
For the State	:	Mrs. Binita Singh, SC 28
For State	:	Mr. Sunil Kumar Karn, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL JUDGMENT

Date : 02-12-2024

The petitioner has invoked the extra-ordinary jurisdiction of this Court under Article 226 of the Constitution for the redressal of his grievance relating to payment of arrear salary, D.A., H.R.A. and M.A.

2. In order to appreciate the grievance of the petitioner, it is apposite to mention paragraph 12 of the writ petition herein- below.

“12. That it is submitted that vide memo No. 591 dated 16.3.2019 whereby the pay scale of teaching employees has been



revised though partial payment has been made but rest is still due so the following dues under different heads are unpaid:

(i) On 01.01.1996 to 31st December 2005 at the pay point of Rs. 14,940/- as on 01.01.1996 in view of law laid down by the Hon'ble High Court in CWJC No. 18552/ 2009 and its analogous cases order dated 5.7.2010.

(ii) Difference of salary for the period of 01.01.2006 to 31.3.2010 particularly D.A., HRA and M.A. on revised pay point in view of order passed in CWJC No. 17983/ 2016 passed on 7.8.2018.

(iii) For payment of salary difference for the period of 1.1.2016 till date of retirement on account of revision in revised UGC scale effective 01.01.2016.

(iv) For payment of GIC @12.5% compound interest, D.D.A @9% compound interest and Medical allowances as per Govt. notification and other admitted dues.”

3. That on 12th November 2024, a counter-affidavit has been filed on behalf of the respondents no. 3,4 and 5, stating, inter alia, that the respondents had done exercise calculating the arrear salary of the petitioner for the period from January 1986 to October 2017 and on calculation it was found that a sum of Rs. 842795/- and Rs. 9018/- respectively are payable to the petitioner.



4. Thus, it is clear that the aforesaid amount has not been paid which the petitioner is entitled as per admission made by the respondents.

5. At this stage, it is contended on behalf of the petitioner that the petitioner did not get difference of salary for the period of 01.01.2006 to 31.03.2010, particularly, D.A., H.R.A. and M.A. and revised pay band in view of the order passed in CWJC 17983 of 2016 passed on 07th August 2018. He also did not receive the difference of salary for the period since 01.01.2016 till the date of his retirement on account of revision in revised UGC scale effective from 01st January 2016. The petitioner has also claimed Government Insurance Contribution (GIC) with applicable interest and medical allowance as per Govt. notification.

6. The learned Advocate for the petitioner refers to the Circular No. 2374 dated 29th July 2010 issued by the Human Resources Development Department, Government of Bihar and specially Clause 12 thereof which runs thus:

“(12) अन्य सेवा-शर्ते तथा भत्ते

(i) मंहगाई भत्तों की अनुमान्यता राज्य सरकार द्वारा समय-समय पर अधिसूचित दर से दिया जायगा।

(ii) मकान किराया भत्ता, शहरी परिवहन भत्ता, यात्रा भत्ता और चिकित्सा भत्ता राज्य कर्मियों के समान संकल्प निर्गत होने की तिथि से अनुमान्य किया जायगा।



(iii) शिक्षकों के सम्बर्ग से संबंधित
वैसे अंधे/विकलांग या अन्यान्य शारीरिक रूप
से अपंग कर्मियों को सामान्य रूप से स्वीकृत
दर से दूना परिवहन भत्ता देय होगी।"

7. It is contended on behalf of the University that the State Government has instituted review petition against the decision passed in LPA No. 667 of 2021. There is no order of stay in the review petition. In different orders while disposing of the writ petitions filed by similarly circumstanced teachers, this Court directed the University to pay differences of arrear salary, D.A. and M.A. to teachers. Last of such judgment is CWJC No. 2106 of 2019 passed on 08th July 2021. Considering such aspect of the matter, I do not find any reason as to why the petitioner would be deprived from getting the difference of the arrear salary, D.A. and M.A. as claimed in paragraph no. 12 (i) and (ii) of the writ petition.

8. For the reasons stated above, the instant writ petition is disposed directing the University authority to disburse the admitted amount to the petitioner within 15 days from the date of this order as per the statement made in paragraph no. 4 of the supplementary counter-affidavit filed on behalf of the respondents no. 3,4 and 5. The University/respondents shall calculate the arrears in respect of difference of salary, D.A., H.R.A. and M.A. of



the petitioner and disburse the same within 90 days from the date of communication of this order.

9. The instant writ petition is accordingly, disposed of on contest, however, there shall be no order as to cost.

(Bibek Chaudhuri, J)

Suraj Dubey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.12.2024
Transmission Date	03.12.2024

