

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5546 of 2022

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Birendra Nath Tiwari, S/o late Ram Lochan Nath Tiwari, R/o Village
Damodar, P.S. Guthani, Dist Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Department of Human Resources, Government of Bihar Patna
2. The Registrar, B.R. Ambedkar Bihar University Muzaffarpur
3. The Vice Chancellor B.A.R. Bihar University Muzaffarpur
4. Finance Officer, B.R.A. Bihar University Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar No. 2, Adv.
For the University : Mr. Vivekanand Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 10-09-2024 Heard Mr. Dhananjay Kumar No. 2, learned Advocate

for the petitioner and Mr. Vivekanand Singh, learned Advocate

for the B.R. Ambedkar University, Muzaffarpur.

2. The petitioner superannuated on 31.07.2004 from
the post of Reader, M.J.K. College, West Champaran, Bettiah
under the Bihar University, has preferred the present writ
petition, seeking a direction upon the respondent to ensure
payment of his full pension by taking into account the 6th pay
revision commission.

3. Learned Advocate for the petitioner contended that
the Government of India constituted 6th Central Pay
Commission on 05.10.2006 to examine the principle, which



should govern the structure of pension, including other benefits having financial implications at the present and past Central Government employees.

4. The Central Government by its resolution dated 29.08.2008, accepted that pension should not be less than 50% of the sum of minimum of pay in pay band and grade pay thereon corresponding to scale of pay, from which pensioner has retired, but subsequently, in the garb of clarification/modification by original memorandum dated 03.10.2008 and 14.10.2008 modified the formula recommended by the Central Pay Commission and the decision of the Central Government had been given complete go by. The petitioner has served more than twenty-four years, but he has been denied full pension, is the contention of learned Advocate for the petitioner.

5. Learned Advocate for the university submitted that the issue raised before this Court was under consideration in CWJC No. 5192 of 2015 and other analogous cases, wherein the learned Division Bench of this Court vide judgment dated 20.12.2019 has observed as follows:-

“41. On consideration of the materials on record, the Court finds that teachers who retired after coming into force the 6th PRC forms one



homogeneous class and those who had already retired cannot be clubbed together as those retired before 1.1.2006 forms heterogeneous class, more so, there will be no end to the retrospectivity in the matter of extending similar treatment like the teachers who retired before 1.1.2006. In a given situation it may be extended to the teachers who retired availing 3rd or 4th PRC, in such situation the Court cannot extend benefit which was available to the teachers who retired after 1.1.2006. The Court does not find substance in the submission of Mr. Purushottam Jha”

6. In view of the mandate of the learned Division Bench as noted hereinabove, learned Advocate for the university submits that since the issue has already set at rest by the Division Bench, the relief claimed for by the petitioner is not sustainable.

7. Having heard the parties and taking note of the fact that the issue has already been set at rest by the learned Division Bench, the writ petition stands closed.

(Harish Kumar, J)

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