

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.445 of 2020

In

Civil Writ Jurisdiction Case No.16982 of 2019

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Gayatri Devi W/o Late Mahesh Roy Pritam Resident of 08, Hospital Road,
Kashipur, Ward No. 14, Samastipur, retired as Routine Clerk, B.R.B. College,
Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Rekha Kumari, Presently posted as the Director, Higher Education Department, Govt. of Bihar, Patna.
3. Dr. S.K. Singh, Presently posted as Vice-Chancellor, L.N. Mithila University, Darbhanga.
4. Sri Nishith Kumar Roy, Presently posted as Registrar, L.N. Mithila University, Darbhanga.
5. Sri Anil Kumar Chaubey, Presently posted as Finance Officer, L.N. Mithila University, Darbhanga.
6. Dr. L.P. Jaiswal, Presently posted as Principal, B.R.B. College, Samastipur, District- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Roy 1, SC-13

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA

ORAL ORDER

3 30-07-2025 Heard Mr. Shashi Bhushan Singh, learned counsel

appearing on behalf of the petitioner and Mr. Jitendra

Kumar Roy 1, learned SC-13 appearing on behalf of the

State.

2. This contempt petition has been filed alleging

violation of the order dated 21.08.2019 passed in C.W.J.C.

No. 16982 of 2019, whereby, a direction was given to the



University to take appropriate decision with regard to arrears of salary for different period and other allowance as well as claim for grant of ACP/MACP in accordance with ACP/MACP Rules at the earliest preferably within a period of four months from the date of receipt/production of a copy of the order and ensure payment of all monetary benefits including the post retiral benefits.

3. Opposite party nos. 3 to 5/ authorities of the University have filed a show cause; a supplementary show cause and 2nd supplementary show cause.

4. In paragraph no. 7 of the the supplementary show cause filed by the O.P. Nos. 3 to 5, it has been stated as under:

“7. That it is humbly submitted that the university in compliance of the said order has calculated the post & pre retiral dues of the petitioner on the basis of pay point fixed by the University including benefits of ACP/MACP and the details are as follows:-

(a) Pension :- Rs. 8,130/- per month with admissible D.R. in the 7th pay is being paid to the petitioner w.e.f. March 2020 regularly.



(b) Relief :- As granted by the State Government from time to time.

(c) Gratuity :- Rs. 4,29,874/- has already been paid to the petitioner.

(d) Earned Leave :- A sum of Rs. 3,14,793/- towards leave encashment of 262 days of unavailed Earned Leave was also paid to the petitioner on the maximum limit of 300 days.

(e) Pension Arrear :- As regards to the payment pension arrear in 7th pay revision for the period from 01-04-2017 to 29-02-2020 shall be paid to the petitioner after receipt of fund from the State Government.

(f) Group Insurance :- A sum of Rs. 8,347/- towards G.I.C. with 4.5% interest has already been paid to the petitioner.

(g) Salary Arrear :- A sum of Rs. 9,00,606/- towards salary arrears for the period from 01.03.1989 to 31.12.2016 has already been paid through collage.”

5. In the 2nd supplementary show cause filed by the O.P. Nos. 3 to 5, in paragraph nos. 6 & 7, thereof, it has been stated as under:

“6. That is submitted that the claims raised by the petitioner through a



representation dated 31-12-2016 have been examined and all the pre & post retiral dues of the petitioner have been calculated on the basis of pay slip received from Pay Verification Cell, Patna in 7th pay scale as noted below:-

Pension- Rs. 9,355/- per month with admissible D.R. w.e.f 01.01.2017 in 6th pay and Rs. 25,500/- per month with admissible D.R. w.e.f. 01.04.2017 in 7th pay and actual payment from 01.03.2020.

Sl. No.	Head	Payable	Paid	Difference
1.	Pension Arrear (01.01.2017 to 31.03.2017)	Rs. 66,834/-	Rs. 54,879/-	Rs. 11,955/-
2.	Pension Arrear (01.04.2017 to 29.02.2020)	Rs. 9,87,728/-	Rs. 10,86,744/-	Rs. (-)99,016/-
3.	Pension Arrear (01.03.2020 to 31.05.2023)	Rs. 12,85,351/-	Rs. 12,80,105/-	Rs. 5,246/-
4.	Gratuity	Rs. 5,10,032/-	Rs. 4,29,874/-	Rs. 80,158/-
5.	E.L encashment	Rs. 3,73,516/-	Rs. 3,14,793/-	Rs. 58,723/-
Total		Rs. 32,23,461/-	Rs. 31,66,395/-	Rs. 57,066/-

As such above admitted amount of Rs. 57,066/- has already been paid to the petitioner vide letter No. AC. 2099/23 dated 26.07.2023.”

7. That it is also submitted that the payment of salary arrears for the period from May 1993 to Dec. 2016 has been calculated as per the claim of the petitioner and a sum of Rs. 3,08,388/- has been found payable and paid through RTGS to the concerned college account vide letter No. Ac. 2103/23 dated



27.07.2023 with a direction to the Principal, B.R.B College, Samastipur to make the payment to the petitioner after necessary deduction if any as per rule and to submit the utilization certificate to the office of the Registrar, L.N. Mithila University, Darbhanga as soon as possible.”

6. On perusal of the supplementary show and the 2nd supplementary show cause filed by the O.P. Nos. 3 to 5/ University authorities, I find that in compliance of the order passed in the writ petition, the University authorities have calculated the post and pre-retiral dues of the petitioner on the basis of pay-point fixed by the University including benefits of ACP/MACP, the details of which includes pension, gratuity, earned leave, arrears of pension, group insurance and arrears of salary.

7. From the above, I find that the order passed in the writ petition has been complied with by the opposite parties/ University authorities.

8. Mr. Shashi Bhushan Singh, learned advocate for the petitioner, however, has submitted that in the show causes filed by the O.P. Nos. 3 to 5/ University authorities, there is no indication that the petitioner has been paid the



benefit of ACP and MACP.

9. Paragraph 7 of the supplementary show cause filed by the O.P. Nos. 3 to 5/ University authorities, as extracted hereinabove, makes it abundantly clear that the post and pre-retiral dues of the petitioner has been calculated on the basis of pay-point fixed by the University including benefits of ACP/MACP. It was on the basis of pay point fixed by the University including benefits of ACP/MACP that the petitioner is stated to have been paid pension, gratuity, earned leave, arrears of pension, group insurance and arrears of salary.

10. There may be an inaccuracy in the calculation of post and pre-retiral dues of the petitioner, which has been calculated on the basis of pay-point fixed by the University including benefits of ACP/MACP and that the contention of learned advocate for the petitioner may have some merit. But the order that was required to be complied with by the authorities of the University, as directed by this Court in the writ petition, was to take an appropriate decision with regard to arrears of salary for different period and other allowances as well as claim for grant of ACP/ MACP in



accordance with ACP/MACP Rules by the authorities of the University. In compliance, thereof, the authorities of the University in its wisdom has taken a decision and calculated the post and pre-retiral dues of the petitioner as have been indicated in the supplementary show and 2nd supplementary show cause filed by the O.P. Nos. 3 to 5/ authorities of the University.

11. It is beyond the scope of proceeding under the contempt of Courts Act to go into the correctness of the decision taken by the authorities of the University in calculating the post and pre-retiral dues of the petitioner on the basis of pay-point fixed including benefits of ACP/MACP, inasmuch as, direction to the University in the writ petition was to the extent of taking an appropriate decision with regard to the payment of arrears of salary to the petitioner. Nowhere this Court had directed the University in the writ petition filed by the petitioner that the authorities of the University is required to take a decision in a particular manner.

12. Under the circumstances, I find that there has been absolutely no violation of the order passed in the writ



petition by the authorities of the University, much less any willful and deliberate disobedience of the order passed by this Court.

13. If the petitioner is aggrieved by the decision taken by the University in calculating the post and pre-retiral dues of the petitioner on the basis of pay-point fixed including benefits of ACP/MACP, it is always open for the petitioner to challenge the same in an appropriate proceeding as may be permitted under the law.

14. For the reasons stated hereinabove, this contempt petition stands closed and disposed off.

(Nani Tagia, J)

Nilmani/-

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