

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.992 of 2020

Tara Nand Roy S/o Late Uchit Roy Resident of Radhika Vidya Sadan,
Hospital Road, Ward No.29, P.S. and District- Madhubani, Retired as
Assistant from R.K. College, Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
3. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Principal, R.K. College, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh
For the L.N.M.U.	:	Mr. Bindhyachal Rai, Advocate
For the State	:	Mr. Rajeev Ranjan, AC to GP 20 Mr. Madanjeet Kumar, GP 20

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

8 27-11-2024 A short question is involved in the instant writ
petition.

2. Indisputably, the petitioner retired from his service as Assistant from R.K. College, Madhubani on 31st December 2010. After his retirement on attainment of age of superannuation, he was not paid the following dues:-

(i) difference of arrear salary for the period of 01.01.1989 to 13.12.2010 amounting to Rs. 19,79,876/-



(ii) rest amount of arrears of pension in the scale of Rs. 15,600-39,100/- with Grade Pay of Rs. 7,600/-

(iii) rest amount of gratuity in the pay scale of Rs. 15,600-39,100 with Grade pay of Rs. 7,600/-

(iv) rest amount of earned leave in the aforesaid pay-scale

(v) payment of GIC (Group Insurance Contribution) at the rate of 12.5% compound interest in view of the judgment passed in *Prof. Surendra Bahadur Singh v. State of Bihar*, reported in *2006 SCC OnLine Pat 739*, like other employees

(vi) payment of DDA at the rate of 9% compound interest in view of the judgment passed in *Prof. Surendra Bahadur Singh v. State of Bihar*, reported in *2006 SCC OnLine Pat 739*

(vii) interest on account of delayed payment.

3. Statutory Pay Fixation Committee in respect of fixation of pay of non-teaching employees of universities and constituent colleges fixed the salary of the petitioner and on the basis of such pay fixation arrear salary was fixed at Rs. 19,79876.10/- by the college. It was sent to the university, however, the same has not been paid as yet.

4. During the pendency of the instant writ petition,



Pay Verification Cell of the State Government considered the pay scale of the petitioner and slashed down his pay to Rs. 4,000-6,000/- as on 01.01.1996 in place of Rs. 5,500-9,000/-. As per the decision of the Pay Verification Cell, the arrear salary of the petitioner was lowered down. The petitioner has challenged the said decision of the Pay Verification Cell.

5. The contention on behalf of the State is that the petitioner is not entitled for pay scale of Rs. 5,500-9,000/- with effect from 01.01.1996 as he was not appointed as assistant. The petitioner is not entitled for pay scale of Rs. 4,000-6,000/- with effect from 01.01.1996 as he was appointed as a Lower Divisional Assistant, i.e., Lower Division Clerk. This issue came up for consideration before a Co-ordinate Bench in CWJC No. 22953 of 2018 along with other batch matters which was decided on 18th October 2024. It is held by the Co-ordinate Bench in unequivocal term in paragraph 43 that the ACP Rules, 2003 that all its amendments framed for the State Government employees is also applicable to the non-teaching employees of the universities and constituent colleges. Therefore, the petitioner being a non-teaching employee of a constituent college is entitled to the benefit of the amended provisions and its consequential financial benefit. It is also indicated that there



is actually no difference between an Assistant and a Lower Divisional Assistant working in the constituent college and the revised scale of pay decided by the Statutory Pay Fixation Committee will get precedence over the pay verification Cell. Pay verification Cell of the State does not have any role with regard to the fixation of the pay of non-teaching staff of the universities and constituent colleges. Moreover, It is decided by the Principal Secretary, Human Resource Development Department, Bihar, Patna as hereunder:-

“4. अतः मामले के हर पहलू पर विचार कर तथा उपर्युक्त समझौते के आलोक में राज्य सरकार ने राज्य के सभी विश्वविद्यालयों (पटना विश्वविद्यालयों को छोड़कर) के अंगीभूत महाविद्यालयों में भी तृतीय वर्ग के उच्च वर्गीय एवं निम्न वर्गीय सहायकों/लिपिकों के स्वीकृत पदों के वेतनमानों का एकीकृत वेतनमान दिनांक 1.7.1981 से लागू करने का निर्णय लिया है जैसा की पटना, विश्वविद्यालय के मामले में पूर्व में लिया गया है किन्तु, इसके फलस्वरूप किसी प्रकार का बकाया आदि देय नहीं होगा।”

6. Therefore, this Court does not wish to accept the contention raised by the State Government. The petitioner is entitled to get arrear salary and all monetary relief as stated above on the basis of the decision of the Pay Fixation Committee. The respondents are directed to disburse the amount relating to arrear salary and other arrears within three months



from the date of this order. Petitioner's pension be released on the basis of his higher scale of pay which he was entitled to draw on the date of his retirement within the aforesaid period.

7. The instant writ petition is thus disposed of on contest. However, there shall be no order as to cost.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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