

(2011) 07 SC CK 0063

In the Supreme Court Of India

Case No : Civil Appeal No. 5342 of 2011 (Arising out of SLP (C) No. 17883 of 2007) and Civil Appeal No. 5343 of 2011 (Arising out of SLP (C) No. 16155 of 2007)

Chandra Nath Jha and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 11-07-2011

Acts Referred:

Citation : (2011) 07 SC CK 0063

Hon'ble Judges : Deepak Verma, J; Dalveer Bhandari, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Leave granted.
2. We have heard the Learned Counsel for the parties.
3. The Appellants were appointed prior to 29.1.1981 by the then Managing Committee of the R.B.T.S. Homeopathic Medical College and Hospital, Muzaffarpur. A Notification dated 29.1.1981 was issued by the Health Department, Government of Bihar to take over the private medical colleges with effect from 1.4.1981. In the Notification dated 29.1.1981, it was made clear that these institutions will be taken over by the Government of Bihar with effect from 1.4.1981. Therefore, in our considered view, the liability of the State Government would arise from the date these private institutions were taken over by the State Government i.e. with effect from 1.4.1981.
4. In case of employees where some payments have been made by the State Government, we direct the State not to recover that amount from the employees. In other cases, the employees would be entitled to different pay scales only from 1.4.1981.
5. These appeals are disposed of with the aforementioned observation and

direction. Parties are directed to bear their own costs.