
(2012) 04 JH CK 0015

In the Jharkhand High Court

Case No : Writ Petition (S) No. 4543 of 2007

Md. Habibur Rahman

APPELLANT

Vs

State of Jharkhand and others

RESPONDENT

Date of Decision : 13-04-2012

Acts Referred:

Citation : (2012) 04 JH CK 0015

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Krishna Shankar, for the Appellant; Saroj Kumar Agarwal, J.C. to S.C.I For the State and Mr. Mithilesh Singh, for the Respondent

Judgement

Aparesh Kumar Singh

1. Heard learned counsel for the petitioner as well as learned counsel for the Respondent. The petitioner has approached this court with a prayer for direction upon the respondents to pay forthwith gratuity, leave encashment and pension to the petitioner as per the pay scale of Lecturer fixed by the U.G.C in the scale of Rs.8000-13500/-w.e.f. 1.1.1996 and also for arrears of salary thereof.

2. It is the case of the petitioner that he was earlier appointed as Assistant Teacher in Hazaribag High School and served there from 18.5.1967 to 4.1.1982 and he left the school to join Markhan College of Commerce, Hazaribag on 5.1.1982, where from he was superannuated on 30.6.1996.

3. The respondent-Vinoba Bhave University has appeared and filed their counter affidavit. The State of Jharkhand has also appeared and filed their counter affidavit. In the counter affidavit filed on behalf of the University in para 15 it has been categorically state that the pay scale by U.G.C. is not automatically implemented. It is the subject matter of the State Government which implement it after the matter passes through various departments of the Government of India and the State Government. In the State of Jharkhand it was implemented vide letter no. 356 dated 13.11.2001. In fact when petitioner was superannuated

U.G.C. had not even announced the revised pay scale. In para 17 of the said counter affidavit, it has further been stated that scale of the pay of the petitioner has been revised as per new U.G.C. Pay Scale Rs. 8000-13.500/-and new basic pension with 50% D.A. Merger is now Rs. 2459/-with other relief like D.R. & M.A. The total pension amount from August 2008 is Rs. 3847/- which is being paid to the Petitioner.

4. It is not necessary to go into the detail of the date of absorption of the petitioner as the petitioner has not disputed the stand of the University or the Government of Jharkhand relating to the date of absorption in service which is pursuant to the recommendation of the Hon"ble Mr. Justice S.C.Agarwal(retd.) committee report.

5. The State of Jharkhand in its counter affidavit has also supported the stand of the University relating to the entitlement of the U.G.C. Scale.

6. In view of the aforesaid categorical statements made on behalf of the respondents, it appears that the grievances of the petitioner has been redressed. Accordingly, this writ petition is disposed of. However, if petitioner has any other remaining grievances, it will be open for him to approach the concerned competent authority, who will consider the same in accordance with law.