

(2001) 07 PAT CK 0087
In the Patna High Court
Case No : C.W.J.C. No. 7570 of 2000

Patna University Retired Teacher's Association and Another	APPELLANT
Vs	
The State of Bihar and Others	RESPONDENT

Date of Decision : 06-07-2001

Acts Referred:

Citation : (2003) 2 PLJR 633

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Judgement

Radha Mohan Prasad, J.—This writ petition has been filed by the Association of retired teachers of Patna University through its Secretary as well as by the President of the Association. The grievance in the writ petition is that the teachers of the University have been kept deprived of revision of pay and the consequential pensionary benefits. According to the Petitioners, they are entitled for revision of pay and pensionary benefits at par with the revision made with respect to the Govt. servants. Further their grievance is that they have been kept denied of revision of pensionary benefits even on the basis of existing pay at par with the Government servants in the light of the provisions of Patna University Retirement Benefits Statute which provides that "the rate as mentioned in various provisions of Section 2 of the Statute shall be the same as the rate admissible under the Bihar (Government) Pension Rules whenever the rates under the Bihar (Government) Pension Rules undergo any change." The similar provision is contained in Clauses 23.3 and 28 with respect to the gratuity and family pension respectively.

2. It is submitted by Mr. Mukherjee, learned Senior counsel appearing for the Petitioners, that on the basis of the said provisions of the Statute the University sent requisition to the Government long back but the Government has not released the fund and as such, the teachers of the University have been kept deprived of their legitimate dues.

3. Earlier this Court vide order dated 4.7.2001 adjourned the matter on the

request of the learned Addl. Advocate General No. III to enable him to take full instruction in the matter afresh. Mr. N. K. Agrawal, the Commissioner and Secretary (Finance) and Mr. B.B. Srivastava, Secretary, Higher Education, have appeared before this Court to explain as to why the benefits as claimed by the Petitioners have not been extended to them. Mr. Agrawal has submitted that the claim of the Petitioners is governed by the recommendation of the University Grant Commission (in short "UGC"). The teachers of the University are paid their salary as per the recommendation of the UGC and are being paid their pensionary benefits also on that basis. He fairly admitted that the UGC sent its recommendation for revision of pay of the teachers of the University with effect from 1.1.1996 some time in the year 1998 but the matter remained pending final decision of the State Govt. now for almost three years. However, he submitted that the entire process is now complete and it is a matter of day or two that the proposal for final consideration shall be placed before the Council of Ministers and after decision of the Council of Ministers the same shall be notified. He further submitted that so far as revision of pension is concerned, it is dependent upon revision of pay and the University is required to send fresh requisition to the State Government after the revision of pay is finally notified. According to him, for final issuance of the said notification it may take a fortnight or a month's time.

4. Having regard to the fact that the matter of revision of pay and the consequential revision of pensionary benefits of the teachers of the University has now been pending consideration by the State Govt. for almost three years, this Court directs the Respondent to complete the process of revision of pay positively within a fortnight from today by issuing notification and the University is directed to issue fresh requisition for payment of pensionary dues accordingly within a week. On scrutinising the requisition the State Government shall release the fund within a fortnight of the receipt of the requisition.

5. It is needless to add that the University shall release the payment of dues of the teachers expeditiously preferably within a week of the receipt of the fund from the State Government.

6. However, it is made clear that if the Petitioners feel aggrieved by any decision of the State Government and/or of the University they will be at liberty to move the appropriate forum for redressal of their grievance.

7. In case of non-compliance of any part of the order the concerned authority shall not draw his salary and other allowances till the order is complied and shall also be liable to pay a cost of Rs. 1,000/- to the Petitioners from his pocket.

8. As prayed, by Addl. Advocate General No. III, let a copy of this order be supplied to him for its strict compliance.