

(2021) 02 JH CK 0074

In the Jharkhand High Court

Case No : Writ Petition(S) No. 4362 Of 2020

Shashi Bhushan Dhall And Ors

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 08-02-2021

Acts Referred:

Citation : (2021) 02 JH CK 0074

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Saurav Arun, Surbhi, A.K. Mehta, I.Sen Choudhary

Final Decision : Disposed Of

Judgement

1. Heard Mr. Saurav Arun, the learned counsel for the petitioners, Ms. Surbhi, the learned counsel for the respondent State, Mr. A.K. Mehta, the

learned counsel for the respondent B.B.M.K.University and Mrs. I.Sen Choudhary, the learned counsel for the respondent V.B.University.

2. This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising

due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been

heard.

3. The petitioners have preferred this writ petition for direction upon the respondents for payment of the arrears of salary as per 5th, 6th and 7th pay

revision to the petitioner in the pay scale of Rs.12000-420-18300/- with effect from 01.01.1996 till 30.05.2005 which has not been paid to the petitioner

as the issue is no more res integra and decided by this Court and also affirmed up to the Division Bench of this Court by which the issue regarding two

pay scales of Reader have been struck down considering only one post of Reader in view of the judgment passed by this Court in W.P.(S) No.4162 of

2013 affirmed in L.P.A. No.661 of 2019.

4. Mr. Saurav Arun, the learned counsel for the petitioners submits that the petitioner no.1 was appointed as Lecturer on 13.1.1982 in PKRM College

in the department of Commerce and promoted to the post of Reader on 13.01.1992 and retired from service on 31.3.1981, the petitioner no.2 was

appointed as Lecturer on 28.06.1979 in Sindri College, Sindri, in the department of Physics thereafter he was transferred to PKRM College, Dhanbad

and was promoted to the post of Reader on 28.6.1989, done his PhD in the year 2002 and retired from service on 31.1.2017, petitioner no.3 was

appointed as Lecturer on 5.1.1979 in PKRM College, Dhanbad in the department of Chemistry thereafter he was transferred to SSLNT Mahila

Mahavidyalaya, Dhanbad and was promoted to the post of Reader on 5.1.1989 done his PHD in the year 2009 and retired from service on 31.5.2017,

petitioner no.4 was appointed on 1.7.1977 and appointed subsequently as lecturer on 7.1.1982 in BSK College, Maithon in the department of

Chemistry and was promoted to the post of Reader on 7.1.1992 done his PhD in the year 2009 and retired from service on 31.7.2017, petitioner no.5

was appointed as lecturer on 24.11.1981 in BSK College, Maithon, in the department of Botany, thereafter he was transferred to PKRM College,

Dhanbad and was promoted to the post of Reader on 3.12.1991 done his PHD in the year 1991 and retired from service on 31.1.2019, petitioner no.6

was appointed as lecturer on 12.7.1979 in Sindri College, Sindri in the department of Chemistry and was promoted to the post of Reader on 12.7.1989

and retired on 31.5.2011, petitioner no.7 was appointed as lecturer on 16.1.1980 in Sindri College, Sindri in the department of History and promoted to

the post of Reader on 16.1.1990, and retired on 31.12.2017, petitioner no.8 was appointed as lecturer on 17.7.1981 in the SSLNT Mahila

Mahavidhyalaya, in the department of Botany and was promoted to the post or Reader on 17.7.1991, done his PhD in the year 1988 and retired on

31.1.2011, petitioner no.9 was appointed as lecturer on 5.12.1981 in KB Womens College, Hazaribagh in the department of Sanskrit, thereafter

transferred to SSLNT Mahila Mahavidyalaya Dhanbad and was promoted to the post of Reader on 5.12.1991 completed her PhD in the year 1991

and retired on 28.2.2018, petitioner no.10 was appointed as lecturer on 7.12.1981 in SSLNT Mahila Mahavidyalaya Dhanbad in the department of History and was promoted to the post of Reader on 7.12.1989 and completed PHD in the year 1986 and retired from service on 31.12.2011, petitioner no.11 was appointed as lecturer on 21.11.1981 in RSP College, Jharia in the department of Hindi and promoted to the post of Reader on 28.11.1991 and completed PhD in 1997 and retired on 28.2.2018, petitioner no. 12 appointed as lecturer on 23.1.1982 in Mahila College, Chaibasa in the department of Mathematics, thereafter transferred to SSLNT Mahila Mahavidyalaya Dhanbad and retired on 31.1.2019, petitioner no.13 appointed as lecturer on 20.06.1980 in Sindri College, Sindri in the department of Commerce and was promoted to the post of Reader on 20.6.1990 also completed PhD in 1995 and retired on 31.1.2018 and petitioner no.14 appointed as lecturer on 16.1.1982 in Birsa College, Khunti, thereafter transferred to PKRM College, Dhanbad in the department of Mathematics and was promoted to the post of Reader on 16.1.1992 and completed PhD in 2010 and retired on 31.11.2016. It is averred in the writ petition that under the career advancement scheme of the UGC which shows that minimum length of service for eligibility to move in the grade of Lecturers, senior scale would be 4 years for those with Ph.D, 5 years with those M.Phil and 6 years for those at the level of Lecturers and for eligibility to move into the grade or Reader/ Lecturersâ"Selection Grade, the minimum length of service of Lecturer in senior selection grade shall be uniformly 5 years. It is evident from the order dated 06.09.2019 after the order passed in LPA No.22/2018, the State Government came out with a notification directing all the Universities to state that total number of Readers of the entire State in various Universities who were granted promotion under âTime bound promotion scheme/ Merit promotion schemeâ, meaning thereby after the order passed by the Division Bench, the respondent/State is taking stand for paying the arrears to all the Readers in one pay scale i.e. Rs.12,000-420-18,300/- in 5th, 6th and 7th pay revision committee. It is mentioned that the petitioner was otherwise eligible for being placed at the Lecturer Selection Grade in the scale of Rs.12,000-420-18,300/- at the time of promotion to the post of Reader under the scheme, but they have been placed in the Scale of Rs.10,000-15,200/-. He further submits that the issue is no more res integra in view of the judgment rendered by this Court in âPrashant Kumar

Mishra and Others v. State of Jharkhand and Others, in W.P.(S) No.4162 of 2013 and â??Geeta v. State of Jharkhand and Othersâ? in W.P.(S)

No.3690 of 2018. He submits that the matter may kindly be disposed of with a direction to the respondent State to consider the case of the petitioners

in the light of the judgment rendered by this Court in cases of â??Prashant Kumar Mishra & Others v. State of Jharkhand and Othersâ? and

â??Geeta v. State of Jharkhand and Othersâ?.

5. The State counsel submits that the Government came out with a notification directing all the Universities to state that the total number of Readers in

the entire State in various Universities who were granted promotion under time bound promotion scheme meaning thereby after the order passed by

the Division Bench in the aforesaid LPAs.

6. Learned counsel for the petitioner further submits that the respondents are bound to act in terms of letter dated 11.09.2020 by which the arrears of

pay scales of Reader in 5th , 6 th and 7th pay revision has been given to the writ petitioners of W.P(S) No. 4162/2013, L.P.A. No. 22/2018 and

L.P.A. No. 661/2019 and cannot adopt discriminatory attitude in respect of the present petitioner by way of pick and choose method.

7. Mr. I. Sen Choudhary, the learned counsel appearing on behalf of the respondent University, submits that it is in the domain of the State to consider

the case of the petitioner. She further submits that if any rectification will be done by the State Government, the University shall comply the same.

8. The learned counsel for the respondent State submits that the identical matters in the case of â??Prashant Kumar Mishraâ? and â??Geetaâ?

(supra) the matter has been set at rest which was affirmed in L.P.A. No.22 of 2018 and L.P.A. No. 661/2019. It is stated that on the basis of the

above mentioned judgments, the Court may dispose of the instant case accordingly.

9. In view of the above admitted position, the respondent State is directed to consider the case of the petitioners in the light of the judgment rendered

by this Court in â??Prashant Kumar Mishraâ? and â??Geetaâ? (supra) and also L.P.A. No.22 of 2018 and L.P.A. No. 661 of 2019 and pass

appropriate reasoned order within a period of 8 weeks from the date of receipt/ production of a copy of this order.

10. It goes without saying that if the decision is taken in favour of the petitioners

the same shall be communicated to the University within a period of four weeks so that the benefit of the same may be accrued to the petitioner at the earliest.

11. With the above observations and direction, the instant writ petition stands disposed of.

12. I.A., if any, also stands disposed of.