

(2012) 06 JH CK 0078
In the Jharkhand High Court
Case No : Cont Case (Civil) No. 89 of 2012

Smt. Manju Sinha

APPELLANT

Vs

The State of Jharkhand and Another

RESPONDENT

Date of Decision : 27-06-2012

Acts Referred:

Citation : (2013) 1 AJR 527 : (2012) 3 JLJR 379

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Advocate : Rajendra Prasad, for the Appellant; I. Sen Choudhury, Advocate For the V.B. University, for the Respondent

Judgement

Narendra Nath Tiwari

1. The Registrar of Vinoba Bhave University, Hazaribag appears in person and submitted that the order of this Court has been complied with and the payment due to the petitioner has been made through cheques in the Court. In the show-cause reply it has been stated that since after receipt of the order of this Court, he has been writing to the State Government for release of required fund, but fund was not released. Several reminders were sent for release of the fund, but in spite of lapse of a long period, the amount was not released. The Director, Higher Education ultimately issued letter dated 22.6.2012 directing the University to pay the petitioner's admissible dues out of internal sources of the University.

2. It has been submitted that the Universities are not at fault in delaying compliance of the orders of this Court. The fund has to be provided by the State Government which is not released in time. Sufficient fund is not released to the Universities for payment of even pensionary benefits of the retired employees.

3. Learned counsel for other Universities of the State raised similar grievance.

4. In number of cases, the same stand is taken on behalf of the Universities of

Jharkhand in the matters of compliance of the orders regarding payment of retiral dues. It is an irony that after retirement the employees of the Universities have to run from pillar to post for getting their retiral dues and have to file cases for getting retiral dues. Even the orders of this Court are not complied with within the prescribed time and number of contempt cases are filed for non-compliance of the orders. In the evening of life when the retired employees deserve peace of mind, rest and comfort, they have to suffer harassment, loss and rigour of litigation to get their retiral benefits, which are their hard-earned amounts. The Universities always complain that in spite of writing letters and requisitioning for proper fund for payment of pensionary benefits, the State officials adopt lackadaisical attitude and the authorities of the Universities have to face embarrassment as they fail to comply with the orders of this Court for want of necessary fund.

5. Considering the said grievance of the Universities and plight of the pensioners and the retired employees of the Universities of Jharkhand and large number of litigations arising out of non-payment of the retiral dues of the employees, this Court is of the view that the State Government must come with a definite plan and strategy to deal with the said situation.

6. On being enquired from the Registrar of Vinoba Bhave University, Hazaribag it has been informed that there is no separate Pension Fund in the University. As informed by the counsel of other Universities, the same is the position in other Universities of the State.

7. The Court is of the view that if the pension fund is created in the Universities of Jharkhand and sufficient amount is provided by the State Government for the fund and the same is maintained by the Universities, for payment of legally payable retiral dues of the employees, a large section of the people shall be saved from unnecessary harassment, the State and the Universities shall be benefited by saving huge amounts spent on large number of unnecessary litigations and the burden of such litigations on the Court will be lessened to a great extent.

8. Let the Chief Secretary, the Finance Secretary, the Secretary of H.R.D., Director of Higher Education, Government of Jharkhand and the Registrars of all the Universities of Jharkhand file affidavits on the next date fixed as to why Pension Fund be not created in each University of the State of Jharkhand providing sufficient fund for the purpose of payment of retiral dues of the retired employees of the Universities at the time of or immediately after their retirement.

9. Learned J.C. to Advocate General accepts notice on behalf of the State authorities, learned counsel Mrs. I. Sen Choudhury accepts notice on behalf of the Vinoba Bhave University, learned counsel Mr. Mithlesh Singh accepts notice on behalf of the S.K.M. University, learned counsel Mr. Anoop Kr. Mehta accepts notice on behalf of the Ranchi University and learned counsel Mr. Ananda Sen accepts notice on behalf of the Nilambar Pitambar University and Kolhan

University.

10. As prayed for by the said learned counsel, three weeks" time is allowed to file affidavit.

11. Let a copy of the order be served on respective learned counsel for the State and the Universities of Jharkhand.

12. Put up this case on 23rd July, 2012. Personal appearance of the Registrar, Vinoba Bhave University, Hazaribag is dispensed with.