
(2011) 10 JH CK 0048
In the Jharkhand High Court
Case No : C.W.J.C. No. 2038 of 2000 (R)

Sunil Kumar Singh and Others APPELLANT
Vs
State of Bihar and Others RESPONDENT

Date of Decision : 11-10-2011

Acts Referred:

Citation : (2011) 10 JH CK 0048

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Judgement

R.R. Prasad, J.—Mr. Sohail Anwar, leaned Senior counsel by referring to the order dated 24.5.2010 submitted that the State Government was supposed to obtain requisitions from all the Universities with respect to dues to be paid to the Universities teachers towards UGC arrears and payment of arrears of salary on the proposed revised scales to the non-teaching staffs within two months. After obtaining the requisitions from all the Universities, the State Government was supposed to forward the matter to the Central Government for release of the UGC grants to the extent of 80% for the period from 1.1.1996 to 31.3.2000 and rest of the share, i.e. 20% was to be borne by the State Government and thus the State Government had been directed to do all the formalities for making payment to the teaching as well as non-teaching staffs of the Universities of the State of Jharkhand within a period of six months but the State Government has failed to have requisitions from all the Universities within the time stipulated under order dated 24.5.2010 as the State Government has not yet obtained requisitions from the Vinoda Bhave University which itself speaks about indifferent attitude of the authority of the State Government towards compliance of the order of this Court.

2. It was further submitted that the State Government was supposed to make payment of 20% of the UGC arrears for the period from 1.1.1996 to 31.3.2000 and thereafter from 1.4.2000 onwards all the expenses towards payment of UGC arrears is to be borne by the State Government which could have been paid even

if on account of non-receiving of the requisitions from all the Universities, the matter could not be referred before the UGC for release of the fund to the extent of 80% for the period from 1.1.1996 to 31.3.2000 but the State Government has not made any payment and, therefore, it can be said that the authority of the State Government has violated the order of this Court passed on 24.5.2010.

3. Mr. Pandey, learned Counsel appearing for the non-teaching staffs of the different Universities submitted that so far payment of arrears accrued on account of revision of pay to non-teaching staffs is concerned, UGC never comes in the picture and that pay of all the non-teaching staffs have already been fixed by the University and the matter has been referred to the authority of the State Government for its approval but the authority of the State Government is sitting tight over the matter, as a result of which pay scale which has been fixed has not been approved and thereby payment could not be made to the non-teaching staffs.

4. Mr. Ajit Kumar, learned Counsel appearing for the State submitted that the State Government has never disobeyed the order passed by this Court deliberately rather on account of delay on the part of University authority in sending the requisition to the State authority the order could not be complied with. It was stated that the State Government has still not received requisitions from all the Universities, though the authority of the State Government after receiving requisitions from three Universities, out of four namely, Ranchi University, Nilambar Pitambar University and Sidho Kahnu University has referred the matter to the UGC for release of the grant to the extent of 80% but up-till now the State Government has not received any grant from the UGC to the extent of 80% towards UGC arrears.

5. Under the circumstances as stated above, Vinoba Bhave University from whom requisition has not been obtained by the State Government is directed to send requisition relating to payment of UGC arrears to the teaching staffs within a period of ten days so that the State Government may put forth the demand of the share of the UGC towards payment of UGC arrears and then pursue the matter with UGC for release of the required fund. But in the meantime, the State Government will make payment to the extent of 20% of the UGC arrears accrued to teachers for the period from 1.1.1996 to 31.3.2000 and further entire UGC arrears accrued from 1.4.2000 onward to the teaching staffs of the Universities of the State of Jharkhand for which I do not find any hindrance or obstruction in making payment towards UGC arrears within a period of two months.

6. At the same time, the authority of the State Government will be taking decision in the matter relating to approval of the pay scale of non-teaching staff and further would be doing needful in the matter of payment of arrears of salary to them within a period of three months.

7. Put up this case on 10.1.2012.