
(2021) 02 JH CK 0073

In the Jharkhand High Court

Case No : Writ Petition(S) No. 3875 Of 2020

Vijay Kant Dhar Dubey

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 08-02-2021

Acts Referred:

Citation : (2021) 02 JH CK 0073

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Saurav Arun, Rahul Kamlesh, I.Sen Choudhary

Final Decision : Disposed Of

Judgement

1. Heard Mr. Saurav Arun, the learned counsel for the petitioner, Mr. Rahul Kamlesh, the learned counsel for the respondent State and Mrs. I.Sen

Choudhary, the learned counsel for the respondent 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 petitioner has 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 petitioner submits that the petitioner was appointed as a Lecturer as on 17.06.1980 as a lecturer in

subject of Hindi in S.B.College, Chandil, thereafter transferred to P.G.Department of Hindi, at Vinoba Bhave University in the year 1984, thereafter

promoted under merit promotion scheme as a Reader as on 21.11.1989 also done his Ph.D as on 19.12.1981 at the time of retirement he was posted in

P.G.department of Hindi under Vinoba Bhave University and given merger scale w.e.f. 31.09./2005 and is entitled for arrear w.e.f. 1.1.1996 to

30.09.2005 as given to others. 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 he has 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 petitioner

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, 6th 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. Mrs. 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. He 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 petitioner 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 petitioner 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