

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 1156 of 2019

Smt Kalpana Ball

... ... Petitioner(s)

Versus

The State of Jharkhand & Ors.

... ... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Sanjeev Kr. Sahay, Advocate

For the Respondent(s) : Mr. Mithilesh Singh, Advocate

Mr. Jayant Franklin Toppo, GA-V

Mr. Neil Abhijit Toppo, AC to GA-V

Order No. 10 /Dated: 8th October 2025

The instant writ application has been preferred by the petitioner for releasing arrears of pay from 01.01.1996 to 31.01.2016 as fixed in the scale of 5th and 6th Pay-Revision.

Learned counsel for the petitioner draws attention of this Court towards the counter-affidavit filed by the respondent-State and submits that the calculation has been made by the respondent-State and the petitioner has been granted 5th and 6th Pay-Revision at the rate which is mentioned in Annexure-B at page 19 of the said counter-affidavit. However, for the reasons best known to the respondent-University the petitioner has not received a single penny with regard to the claim made herein.

Learned counsel for the respondent-State submits that as per the approved calculation, the amount has been remitted to the University for onward payment to the petitioner.

Learned counsel for the respondent-University relying upon paragraph no.6 to the counter affidavit filed by the respondent no.2 submits that after verification of record it came to the light that some amount is to be recovered from the petitioner and that is the reason the payment has not been made. However, he fairly admits that there is no document annexed herein to show that notice has ever been issued with

regard to recovery.

Having regard to the aforesaid facts and circumstances of the case, the respondent-University is directed to calculate the entire amount and pay the same to the petitioner before the next date of hearing.

It goes without saying that recovery of any amount is a separate cause of action and the University would be free to initiate any proceeding in accordance with law and applicable rules and regulations governing the University. However, on the ground that some amount is recoverable, non-payment of the legitimate dues is certainly bad in law.

Accordingly, learned counsel for the respondent-University is directed to seek instruction and come prepared on the next date of hearing.

List this case on 25.11.2025.

Let name of Mr. Mithilesh Singh, learned counsel for the respondent-University be reflected in the cause list.

(Deepak Roshan, J.)

08.10.2025

Amit