**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**W.P.(S) No. 2538 of 2018**

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Dr. Anita Shukla @ Anita Tiwary, Aged-53 years, wife of Arun Kumar Shukla, Resident of-3/E,Kailash Apartment, South Office Para, P.O. and P.S. Doranda, District-Ranchi, Jharkhand, 834002. **..... Petitioner (s)**

Versus

1. The State of Jharkhand.
2. Secretary, Department of Higher and Technical Education, Government of Jharkhand, Nepal House, P.O. and P.S. Doranda, District Ranchi, Jharkhand.
3. Director, Department Technical Education, of Higher and Government of Jharkhand, Nepal House, P.O. and P.S. Doranda, Jharkhand. District Ranchi.
4. Ranchi University, Ranchi, through its Registrar, Ranchi University, Ranchi, P.O. G.P.O., P.S. Kotwali, District Ranchi.
5. Vice Chancellor, Ranchi Ranchi, P.O. G.P.O., P.S. District Ranchi. University, Kotwali,
6. Secretary, College, Governing Body, P.O. and P.S. District Ranchi, Jharkhand. Nirmala Doranda,
7. Principal, Nirmala College, P.O. and P.S. Jharkhand. Doranda, District Ranchi.

**..... Respondent(s)**

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**CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN**

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For the Petitioner(s) : Mr. A.Allam, Sr. Advocate
For the Resp.-R.U : Mr. Vikash Kumar, Advocate
For the Resp. Nirmala College: Mr. Nipun Bakshi, Advocate
Mr. Shubham Sinha, Advocate
Mr. Shubham Mishra, Advocate

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**<u>27/16.04.2026</u>**

**1.** Heard learned counsel for the parties.

**2.** The instant writ petition has been filed by the petitioner, for the enforcement of her service benefits, including unpaid post-retirement dues, arrears of salary under the 6th Central Pay Revision, and differential salary under the 7th Central Pay Revision. The petitioner asserts that she is entitled to these benefits with interest.

**3.** The petitioner was appointed as a lecturer at Nirmala College, Ranchi, on 28.07.2005. The appointment was subject to the approval of the Jharkhand Public Service Commission (JPSC), which was granted on 06.07.2009. The petitioner voluntarily resigned from service on 08.04.2017 on medical grounds, and her resignation was accepted by the Governing Body of Nirmala College on 11.04.2017.

**4.** The contentions of the parties, as recorded during the proceedings, are summarized as follows:

**Contentions of the Petitioner:**

**5.** The petitioner claims that she was not paid complete post-retirement benefits. She specifically alleges that the benefits of pay revision have not been paid by the College from the date these have been enforced by the State Government for its employees. She claims that she is entitled to receive 6th Pay Revision arrears of salary from 01.01.2006 instead of July, 2013. The case of this Petitioner is that if the College has paid the 6th Pay Revision benefits from July, 2013 for a post without finance, it should also be directed to pay the benefits from 01.01.2006, when the 6th Pay Revision Commission recommendations became applicable. The petitioner's counsel relied upon the decision of this Court in *State of Jharkhand and others vs Arbind Kumar Lal & others*, (2024) SCC Online JHAR 2224, to support the claim for parity in benefits. It was also argued that the action of the State

Government and the College, which distinguishes between employees based on the nature of their sanctioned post (with or without finance), is discriminatory and violates Articles 14, 16, and 21 of the Constitution of India.

**6. Contentions of the Respondent – Nirmala College (Respondents No. 6 & 7):**

**7.** It has been submitted that all post-retirement benefits have already been paid to the petitioner following her voluntary resignation. No leave encashment is payable as the petitioner was not attending the College for over a year prior to her resignation. She was on Extra Ordinary Leave (Leave Without Pay) from February 2016 until her resignation. The college has disputed the claim for 6th Pay Revision arrears from 01.01.2006 to June 2013. It relies on a letter dated 28.07.2014 from the Vice-Chancellor of Ranchi University, which states that arrears of the 6th Pay Revision were sanctioned only for lecturers working on posts with finance, for the period April, 2010 to June, 2013. The College asserts it has only received arrears for the 6th revised pay scale for 24 teachers working on sanctioned posts with finance, and that too, only from April 2010 to 2013. The State Government has not provided any financial support for the period from 01.01.2006 for any staff of the College. It is further stated that the college has extended the 6th Pay Revision benefits from July, 2013 to the petitioner from its own resources, as she was on a post without finance. However, the College cannot generate revenue to pay for past arrears for which it received no reimbursement from the Government. It is also contended that pay revision is not applicable to private sector employees.

**Contentions of the Respondent – Ranchi University (Respondents No. 4 & 5):**

**8.** The respondent University has asserted that the petitioner was appointed as a lecturer in the Department of History against the 4th sanctioned post, which was *without finance*. It is submitted that since the petitioner was appointed on post without finance, the University and the State are under no legal or statutory obligation to pay her salary or any retiral benefits. The University only reimburses the salary and benefits for lecturers/professors appointed against sanctioned posts *with finance*. Further, it has been contended that grant of pay revision benefits is a matter of policy and Courts should ordinarily refrain from issuing directions in policy matters which are executive functions.

**9.** During the course of arguments, the factual controversy was narrowed down to the petitioner's claim for 6th Pay Revision benefits for the period from 01.01.2006 to June 2013 and 7th pay revision benefits.

**10.** Heard Ld. Counsel for the respective parties and perused the records. The record reveals that the State Government and the University have only provided arrears under the 6th Pay Revision for the period from April, 2010 to June, 2013. There is no material on record to suggest that the benefit of the 6th Pay Revision was implemented or paid from 01.01.2006 for any employee, let alone the petitioner.

**11.** It is further observed from the records that Nirmala College is a minority deficit grant-aided college. The recommendations of the Central Pay Revision Commission are binding for all government employees. The State Government and the University have extended these benefits to a limited number of teaching and non-teaching staff of private aided minority colleges in the State from July, 2013 and has given arrears from April, 2010 only.

**12.** The Petitioner filed her rejoinder to the Counter Affidavit and has submitted that when the College has already paid the 6th Pay Scale from June 2013 even for an unaided post, it should also be directed to pay the benefit from 01.01.2006 when the 6th Pay Revision Commission's recommendation became applicable. In the course of arguments specific query was raised regarding benefits of the 7th pay revision commission and it has been argued by all parties that it was not implemented in the College prior to the date of resignation by this Petitioner.

**13.** The factual controversy narrows down to the claim for 6th and 7th Pay Revision benefits for the period 01.01.2006 till June 2013 and 01.01.2016 till her resignation from service. The record reveals that University and State Government has given arrears under the 6th Pay Revision from April 2010 till June 2013. There is no material on record to prove that the benefit was given from 01.01.2006. It is also manifest from the records that the

Respondent – Nirmala College is a private minority deficit grant aided College. The recommendations of the Central Pay Revision Commission are implemented only for all Government employees. The State Government and the University have provided these benefits to limited teaching and non-teaching staff of the College by way of reimbursement of salary and other benefits.

**14.** Ld. Sr. Counsel representing the Petitioner has relied upon the decision in ***State of Jharkhand and others vs Arbind Kumar Lal & Others 2024 SCC Online Jhar 2224.*** It has been contended that the State Government has created two classes by sanctioning posts with finance and posts without finance. It should consider whether such distinction has resulted in two separate classes with different salary structures for substantially same work.

**15.** However, even without entering merits of the disputes, the Learned Senior Counsel submits that the State Government should consider the case of the Petitioner and also provide all arrears under the 6th Pay Revision and 7th Pay Revision. These pay revision benefits should be extended to the Petitioner from the date it has become applicable for all Government employees. The Petitioner's counsel does not dispute that the State Government has not given benefits of 6th pay revision from 01.01.2006 in relation to any staff working in the College and even though the benefits were implemented only in July, 2013 the arrears have been restricted to April 2010 till June, 2013.

**16.** The submission on behalf of the College is that as soon as the State Government implemented the 6th Pay Revision scale of pay in the month of July, 2013, it has from its own resources, already paid the same benefits to the Petitioner in this case who was working on a post without finance. However, the College cannot generate additional revenue for payment of arrears for any past period. It is also emphatically argued that there is no legal scope or justification for burdening the College with arrears from 01.01.2006 when even the State Government has implemented the benefits from April, 2010 only.

**17.** In these facts and circumstances, the Petitioner can only claim benefits under the 6th Pay Revision from 01.01.2006 if such a decision is taken by the State Government as it has not implemented the benefits from this date and has restricted arrears only from April, 2010 onwards, for only those teaching staff who are appointed on posts with finance (aided posts).

**18.** Learned Counsel for the Petitioner further submits that since the State Government has already taken a policy decision to implement 6th Pay Revision benefits from April, 2010 and not from 1st January 2006 as claimed by petitioner, she would be given liberty to submit a representation through her College for a decision regarding grant of the benefits at par with all other employees of the State Government. This contention of the Petitioner is accepted.

**19.** Accordingly, the Petitioner is directed to submit a detailed representation to the Secretary, Department of Higher, Technical Education and Skill Development (Respondent no. 2) through the Principal, Nirmala College, and Vice Chancellor, Ranchi University. The Respondent no. 2 is directed to consider and decide such representation within a period of 16 weeks. It is needless to mention that if any decision is taken to grant benefits of 6th Pay Revision from 01.01.2006, and 7th Pay Revision from 01.01.2016, the arrears of salary of this Petitioner will be released within 12 weeks from the date of such decision.

**20.** Accordingly, the instant writ application stands disposed of. Pending I.A., if any, are closed.

**(Deepak Roshan, J.)**

*Dated:16/04/2026*
*Amardeep/*

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