

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 6844 of 2023

Vidyanand Sharma & Anr. Petitioners

Versus

The State of Jharkhand & Ors. Respondents

CORAM: HON'BLE DR. JUSTICE S.N.PATHAK

For the Petitioners : Mr. Sanjay Prasad, Advocate
For the Respondents : Mr. Ashwini Bhushan, AC to Sr. SC-II
Mrs. Indrani S. Choudhary, Advocate

10/ 23.10.2024 Learned counsel for the petitioners submits that though the petitioners have rendered services for more than 30 years working in the Markham College of Commerce, Hazaribag as a Class-III employee but the respondents have not extended the benefits of pension. Learned counsel further submits that though the respondents have paid post retiral benefits but the pension has not been extended on the frivolous ground that claim of the petitioners do not find place in the report of Hon'ble Justice S.C. Agarwal Commission or even Hon'ble Justice S.B. Sinha Commission. Learned counsel further submits that already this issue has been considered by the University and thereafter their claim was recommended under Section 4 (1) (14) of the Universities Act. After releasing of the amount of pension by the State same was recommended to the Accountant General but still petitioners have not received pension.

Learned counsel for the respondent-State submits that name of petitioners did not find place in the report of Hon'ble Justice S.C. Agarwal Commission and Hon'ble Justice S.B. Sinha Commission and rightly their claim has been rejected vide order dated 23.08.2022. Since petitioners' name do not figured in the report of Hon'ble Justice S.C. Agarwal Commission and Hon'ble Justice S.B. Sinha Commission, they are not entitled for pensionary benefits.

Claim of the petitioners have been recommended by the University taking shelter of Section 4(1) (14) of the University Act. Once there is recommendation under Section 4(1) (14) of the Act, the State exercising the power under Section 35 of the said Act cannot reject the claim of the

petitioners. It appears that respondent-State without application of mind and without taking into consideration that this issue has already been set at rest by this Court and affirmed up to the Hon'ble Apex Court has rejected the claim of the petitioners. After retirement, initial appointment of employees cannot be challenged. Grade-III employees have been harassed at the hands of the respondents by raising frivolous issues.

Learned counsel for the respondent-State prays for time to seek instruction.

Let it be made clear that the pendency of the writ petition shall not be a bar on the respondents to fix and release the pension to the petitioners. The recommendation of the University shall be considered by the State after granting approval in accordance with law.

By way of last indulgence, put up this case on 11.11.2024.

(Dr. S.N. Pathak, J.)

Rohit/-