

Token No - 14271/21

Date of Filing

Token No.:

**IN THE HIGH COURT OF JUDICATURE
AT PATNA**

NATURE OF CASE C. No. 15891

2021

Bihar Rajya Vishwa Vidyalay, Gorurchari
Maha Singh & Co

PETITIONER/S

APPELLANT/S

Versus

The State of Bihar Sole

OPPOSITE PARTY/S

RESPONDENTS/S

IN THE HIGH COURT OF JUDICATURE AT PATNA

(CIVIL WRIT JURISDICTION)

C.W.J.C. No. _____ of 2021

Bihar Rajya Vishwavidyalay Karmchari Mahasangh & Others

..... Petitioners.

Versus

The State of Bihar & Others. Respondents.

Subject :- Pay Scale Matter (University Service)

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IN THE HIGH COURT OF JUDICATURE AT PATNA

(CIVIL WRIT JURISDICTION)

C.W.J.C. No. _____ of 2021

Bihar Rajya Vishwavidyalay Karmchhari Mahasangh & Others

..... Petitioners.

Versus

The State of Bihar & Others. Respondents.

SYNOPSIS WITH LIST OF DATES & EVENTS

i. For commanding the Respondents concerned to grant same pay scale to the Class – IV Employees working in the Universities in Bihar including the petitioners. as have been and are being extended to the similarly situated Class IV Employees working in the different Offices of the State Govt. Secretariat of the Govt. of Bihar, that too, with all consequential benefits.

ii. To hold and declare that the action of the Respondents concerned in not taking final decision in relation to the representations submitted before them vide Annexure – 4 to 6 is highly illegal, arbitrary, malafide, malicious and unsustainable in the eye of law and is fit to be deprecated by this Hon'ble Court in strong words.

AND CONSEQUENT UPON SUCH DECLARATION

iii. A writ in the nature of mandamus may kindly be issued by this Hon'ble Court, commanding the Respondents concerned to take final decision in relation to the representations of the petitioner and to place the same before this Hon'ble Court.

iv. For grant of any other relief or reliefs to which the petitioner may be found entitled to in the facts and circumstances of this case.

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| | Petitioner No. 1 is the duly registered / recognized Association of the Non-Teaching Employees of the Universities in Bihar, which is being represented by its duly elected President |
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| | Petitioner Nos. 1 and 3 to 5 are presently working as Class |
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| | <p>IV employees in L.N.Mithila University Darbhanga and petitioner no. 2 is working in B.R.A.Bihar University, Muzaffarpur. Similarly the petitioner nos. 6 & 7 are working as Class IV Employees in K.S.D. Sanskrit University, Darbhanga.</p> |
| <p>25.02.1987</p> | <p>Vide Letter No. 123/C dated 25th February, 1987, Secretary to the Govt., Education Department, Bihar following decision was communicated to all the Vice Chancellors of the Universities in Bihar :-</p> <p><i>“This is to inform as per direction that the compromise which has taken place by the Govt. with Govt. staff in regard to the recent strike and the facilities which have been provided, the same shall also be sanctioned to the non-teaching staff of universities and subordinate affiliated colleges. The Govt. has already taken the decision to declare the same as equivalent to Govt. staff.”</i></p> |
| | <p>Said decision of the State Govt. of Bihar as contained in Annexure – 1 to this writ petition, legality and validity whereof has been upheld by the Hon’ble Supreme Court of India vide Annexure – 2 to this writ petition, the non-teaching employees are entitled for being paid their pay at par with the pay of the similarly situated State Govt. Employees working in the Secretariat of the State Govt. of Bihar.</p> |
| <p>18.01.2013</p> | <p>Letter No. 123/C dated 25th February, 1987 has been quoted in the order dated 18.01.2013 of the Hon’ble Supreme Court of India in Civil Appeal No. 516 of 2013 (State of Bihar & Another Vs Sunny Prakash & Others).</p> |
| | <p>As per the said order dated 18.01.2013 passed by the Hon’ble Supreme Court of India in Civil Appeal No. 516 of 2013, the State of Bihar was under obligation to comply with the order dated 07.08.2008 passed by the Division Bench of this Hon’ble Court in C.W.J.C. No. 10870 of 2008. It is pertinent to mention here that by order dated 07.08.2008 in C.W.J.C. No. 10870 of 2008, this Hon’ble Court had been pleased to pass following order / direction :-</p> |

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| | <p>"7. We, accordingly, pass the following order:</p> <p>(i) The Federation shall call off the strike immediately and in no case later than 48 hours from today.</p> <p>(ii) On and from 11th August, 2008, the academic session must re-start smoothly in all Colleges and Universities within the State of Bihar.</p> <p>(iii) The Chief Secretary, Government of Bihar, Patna shall ensure that the commitment given by the State Government to the Federation having been reduced in writing on 18th July, 2007, is honoured by the State Government and it is implemented within one month from today."</p> |
| 12.05.2016 | <p>Vide Resolution No. 3972 dated 12.05.2016, the Secretary (Expenditure), Finance Department, Govt. of Bihar, Patna vide paragraph no. 6 (i) has held / provided as follows :-</p> <p>“दिनांक – 31.12.95 को रु० 1030/- तक वेतन प्राप्त कर रहे कर्मियों के लिए अपुनरीक्षित वेतनमान रु० 2550-3200 /- के बदले दिनांक 01.01.96 के प्रभाव से वेतनमान रु० 2610-4000 /- (मूल कोटि) संशोधित हो जाएगा । उसी प्रकार दिनांक 31.12.95 को 1030/- से अधिक वेतन प्राप्त कर रहे कर्मियों के लिए मूल कोटी का वेतनमान 2650-4000 /- के रूप में संशोधित हो जाएगा ।”</p> |
| 20.11.2017 | <p>The Department of Finance, Govt. of Bihar issued a Resolution vide Letter No. 3 ए – 2 - वे०पु० – 06 / 2017 – 9025/ वि० dated 20.11.2017, whereby the Group 'D' employees have been granted the pay scale of 5200 -20200 (Grade Pay - 1800) w.e.f. 01.01.2016.</p> |
| 02.01.2019 | <p>The Department of Education , Govt. of Bihar issued a Resolution as contained in Memo No. 15 डी० 1 – 01 / 09 अंश – II – 73 dated 02.01.2019, whereby in relation to the Group 'D' Employees working in the Universities / Colleges in the State of Bihar following decisions have</p> |

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| | <p>been taken vide paragraph nos. 4 & 5 to the said Resolution dated 02.01.2019 :-</p> <p>“4. वेतन विरांगति निराकरण समिति के अनुशंसा के आलोक में सञ्चक समीक्षोंपरांत राज्य सरकार द्वारा राज्य के विश्वविद्यालयों / महाविद्यालयों के समूह “घ” के कर्मियों को विभागीय संकल्प संख्या 2693 दिनांक 27.08.2020 द्वारा पूर्व में अनुमान्य किए गए वेतन संरचना को निम्नवत संशोधित करने का निर्णय लिया गया है</p> <p>(क) विश्वविद्यालयों / महाविद्यालयों के दसवीं उतीर्ण समूह “घ” के कर्मियों को वेतन बैंड - 1 एवं ग्रेड पे० 1800 अनुमान्य होगा तथा इन्हें प्रशिक्षण प्रदान किया जाएगा ।</p> <p>(ख) विश्वविद्यालयों / महाविद्यालयों के दसवीं अनुतीर्ण समूह “घ” के कर्मियों को वेतन बैंड - 1 एवं ग्रेड पे० 1800 अनुमान्य होगा । इन्हें पे बैंड 1 एवं ग्रेड पे 1800 एवं वेतन वृद्धि की स्वीकृति प्रशिक्षणोंपरांत दी जाएगी ।</p> <p>इस संशोधित वेतन संरचना की प्रभावी तिथि राज्य सरकार के अनुरूप दिनांक 01.01.2006 से नेशनल तथा दिनांक 01.04.2007 से वास्तविक लाभ सहित होगी ।”</p> |
| <p>08.09.2020</p> | <p>Vide Letter No. M.S.P. - अ० - 45 / 2020 dt 08.09.2020, the Petitioner No. 1 submitted a detailed representation before the Principal Secretary, Department of Education, Govt. of Bihar, Patna for the removal of pay anomaly of the Class IV Employees of the Universities in Bihar.</p> |
| | <p>In paragraph no. 6 of the said representation dated 08.09.2020 (Annexure - 4) it has clearly been stated by the petitioner no. 1 that -</p> <p>“यह कि उपर्युक्त संकल्प को विश्वविद्यालय चतुर्थ वर्गीय कर्मियों के लिए लागू नहीं होने के कारण 5वीं, 6वीं, एवं 7वीं वेतन पुनरीक्षण में प्राप्त वेतन राज्य चतुर्थ वर्गीय कर्मियों से कमतर निर्धारित किया गया था जिससे हम कर्मियों क्षुब्ध हैं तथा आर्थिक क्षति को झेल रहे हैं जो</p> |

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| | <p style="text-align: center;"><i>न्यायसंगत नहीं है ।”</i></p> |
| | <p>Several Class IV Employees of B.R.A.Bihar Ambedkar University, Muzaffarpur, who are the members of the Petitioner No. 1 have also submitted a detailed / joint representation before the Principal Secretary, Department of Education, Bihar, Patna on 08.09.2020</p> |
| | <p>Several Class IV Employees of L.N.M.U. Darbhanga have also filed a detailed representation before the Principal Secretary, Department of Education, Bihar, Patna, whereby and where under the latter has been apprised as to their grievances in the following terms :-</p> <p>“ 6. यह कि उपर्युक्त संकल्प को विश्वविद्यालय चतुर्थ वर्गीय कर्मियों के लिए लागू नहीं होने के कारण 5वीं, 6वीं, एवं 7वीं वेतन पुनरीक्षण में प्राप्त वेतन राज्य चतुर्थ वर्गीय कर्मियों से कमतर निर्धारित किया गया था जिससे हम कर्मी क्षुब्ध हैं तथा आर्थिक क्षति को झेल रहे हैं जो न्यायसंगत नहीं है ।</p> <p>7. माननीय उच्च न्यायालय द्वारा पारित न्यायदेश के आलोक में शिक्षा विभाग बिहार सरकार द्वारा अपने संकल्प संख्या 15 / डी० 1 – 01 /096 अंश 11 – 73 पटना दिनांक 09.01.2009 द्वारा विभागीय संकल्प संख्या 2693 दिनांक 27.06.2010 में संसोधित करते हुए हम कर्मियों को राज्य सरकार के भांति ग्रेड पे दिया गया जिससे 6वीं वेतन पुनरीक्षण में सुधार तो हुआ किन्तु पंचम वेतनमान में संसोधन न होने के कारण सुधार नहीं हो पाया ।</p> <p>अतः अनुरोध है कि उपर्युक्त सरकारी संकल्प को विश्वविद्यालय चतुर्थ वर्गीय कर्मियों की लिए समान रूप से प्रभावी करने की कृपा की जाय ।”</p> |
| | <p>HENCE THIS WRIT PETITION</p> |

IN THE HIGH COURT OF JUDICATURE AT PATNA
(CIVIL WRIT JURISDICTION)

Through:-
Ramesh Chandra Singh
Advocate
AOR 03189

C.W.J.C. NO. _____ OF 2021

In the matter of an application
under Article 226 of the
Constitution of India.

A N D

In the matter of :

1. Bihar Rajya Vishwavidyalay Karmchari Mahasangh, Patna through its President namely Shankar Yadav, aged about - 52 years, Son of Basudev Lal Yadav, Sex – Male, R/o Mohalla – Chunabhatti, P.O. – Lakshmi Sagar, P.S. – L.N.M.U. Campus, Town & District – Darbhanga. presently working as a Class IV Employee in L.N.Mithila University, Darbhanga.
2. Ram Kumar Singh, aged about 49 years, Sex – Male, S/o Late Pramhans Singh, R/o – Aadarsh Nagar, Mazoliya Khatal, presently working as a Class IV Employee in B.R.A. Bihar University, Muzaffarpur
3. Prem Chandra Prasad, aged about 53 years, Sex – Male, S/o Late Dineshwar Singh, Village + Post – Harpur Belwa, District –

Vaishali, present working as a Class IV Employee in L.N.Mithila University, Darbhanga.

4. Bholu Paswan, aged about 50 years, Sex – Male, S/o Late Raghunath Paswan, Resident of – Naya Tola Sundarpur, P.O. – Lalbagh, P.S. - L.N.M.U. Campus, Town & District – Darbhanga, presently working as a Class IV Employee in L.N.Mithila University, Darbhanga.
5. Ram Sevak Bharti, aged about 52 years, Sex – Male, S/o Late Bauejee Yadav, R/o Chandanpatti, P.O. – Sara Mohanpur, P.S. – Sadar Darbhanga, Town & District – Darbhanga, presently working as a Class IV Employee in L.N.Mithila University, Darbhanga.
6. Mahesh Yadav, aged about 56 years, Sex – Male, S/o Late Sitaram Yadav, Resident of Mula Azamnagar, P.O. – Lalbagh, P.S. - L.N.M.U. Campus, Town & District – Darbhanga, presently working as a Class IV Employee in K.S.Darbhang Sanskrit University, Darbhanga.
7. Md. Nasiruddin, aged about 60 years, Sex – Male, S/o Md. Yasim, Mohalla – Ratnopatti, P.O. – Subhankarpur, P.S. – Sadar, District – Darbhanga, presently working as a Class IV Employee in K.S.Darbhang Sanskrit University, Darbhanga.

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PETITIONERS

Versus

1. The State of Bihar through the Principal Secretary, Department of Finance, Govt. of Bihar, old Secretariat, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
3. The Director, Higher Education Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna.
4. The Authorised Officer, Pay Verification Cell, Education Deptt, Govt. of Bihar, Patna, having its office in the Building of Bihar State Text Book Publishing Corporation, Buddh Marg, Patna.

..... **RESPONDENTS.**

To,

The Hon'ble Mr. Justice Sanjay Karol, the Chief Justice of the Hon'ble High Court of Judicature at Patna and His Companion Justices of the said Hon'ble Court.

The humble petition on behalf
of the petitioners above named;

MOST RESPECTFULLY SHEWETH :-

1. That, by way of filing the instant writ petition, the petitioners crave the kind indulgence of this Hon'ble Court for grant of the following

RELIEF(S) :-

i. Issuance of an order, direction or a writ in the nature of Mandamus commanding the Respondents concerned to grant same pay scale to the Class – IV Employees working in the Universities in Bihar including the petitioners, as have been and are being extended to the similarly situated Class IV Employees working in the different Offices of the State Govt. Secretariat of the Govt. of Bihar, that too, with all consequential benefits.

ii. To hold and declare that the action of the Respondents concerned in not taking final decision in relation to the representations submitted before them vide Annexure – 4 to 6 is highly illegal, arbitrary, malafide, malicious and unsustainable in the eye of law and is fit to be deprecated by this Hon'ble Court in strong words.

AND CONSEQUENT UPON SUCH DECLARATION

iii. A writ in the nature of mandamus may kindly be issued by this Hon'ble Court, commanding the Respondents concerned to take final decision in relation to the representations of the petitioner and to place the same before this Hon'ble Court.

iv. For grant of any other relief or reliefs to which the petitioner may be found entitled to in the facts and circumstances of this case.

2. That the instant writ petition is sought to be maintained on amongst others the following main

GROUNDS:-

- i. Whether the action of the Respondents concerned in not taking final decision in relation to the representations of the petitioner no. 1 and others as contained in Annexure - 4 to 6 to this writ petition is illegal, arbitrary, malafide, malicious and unsustainable in the eye of law and on facts both?
- ii. Whether the action of the Respondents concerned are obliged to grant same pay scale to the Class - IV Employees working in the Universities in Bihar including the petitioners, as have been and are being extended to the similarly situated Class IV Employees working in the different Offices of the State Govt. Secretariat of the Govt. of Bihar, that too, with all consequential benefits ?
- iii. Whether the action of the Respondents concerned in not granting same scale of pay to the Class - IV Employees of the Universities in Bihar at par with the Pay Scale granted to the State Govt, Class - IV Employees working in the Secretariat of the State Govt. of Bihar is not only illegal, arbitrary, malafide, malicious and unsustainable in the eye of law and but is also in the teeth of the decision of the State Govt. of Bihar as contained in Letter No. 123 / C dated 25.02.1987 (Annexure - 1 to this writ petition) ?
- iv. Whether in the given facts and circumstances of this case, the action of the Respondents concerned in not - granting the pay scale to the Class - IV Employees working in the Universities in Bihar, at par with the Pay Scale admissible for the Class - IV Employees working in the Secretariat of the State Govt. of Bihar is violative of

Article 14 & 21 of the Constitution of India and is fit to be deprecated by this Hon'ble Court in strong words ?

3. That the Petitioner No. 1 is the duly registered / recognized Association of the Non-Teaching Employees of the Universities in Bihar, which is being represented by its duly elected President, who is the citizen of India and other petitioners are also the citizens of India and are residing within the territorial Jurisdiction of this Hon'ble Court and the cause of action for filing the instant Writ Petition have also arisen within the territorial jurisdiction of this Hon'ble Court.

4. That all the Petitioner Nos. 1 and 3 to 5 are presently working as Class IV employees in L.N.Mithila University Darbhanga and petitioner no. 2 is working in B.R.A.Bihar University, Muzaffarpur. Similarly the petitioner nos. 6 & 7 are working as Class IV Employees in K.S.D. Sanskrit University, Darbhanga.

5. That it is stated and asserted here that vide Letter No. 123/C dated 25th February, 1987, Secretary to the Govt., Education Department, Bihar following decision was communicated to all the Vice Chancellors of the Universities in Bihar :-

"This is to inform as per direction that the compromise which has taken place by the Govt. with Govt. staff in regard to the recent strike and the facilities which have been provided, the same shall also be sanctioned to the non-teaching staff of universities and subordinate affiliated colleges. The Govt. has

already taken the decision to declare the same as equivalent to Govt. staff."

A true copy of Letter No. 123/C dated 25th February, 1987 is annexed as Annexure - 1 to this writ petition.

6. That it is stated and asserted here that pursuant to the said decision of the State Govt. of Bihar as contained in Annexure -- 1 to this writ petition, legality and validity whereof has been upheld by the Hon'ble Supreme Court of India vide Annexure -- 2 to this writ petition, the non-teaching employees are entitled for being paid their pay at par with the pay of the similarly situated State Govt. Employees working in the Secretariat of the State Govt. of Bihar.

7. That it is pertinent to mention here that the said Letter No. 123/C dated 25th February, 1987 has been quoted in the order dated 18.01.2013 of the Hon'ble Supreme Court of India in Civil Appeal No. 516 of 2013 (State of Bihar & Another Vs Sunny Prakash & Others).

A true copy of order dated 18.01.2013 passed in Civil Appeal No. 516 of 2013 is annexed herewith as Annexure-2 to this writ petition.

8. That it is stated and asserted here that Paragraph No.14 of the said Judgment and Order dated 18.01.2013 passed in Civil Appeal No. 516 of 2013 is quoted herein below, for the ready reference of this Hon'ble Court, consideration whereof will make it abundantly clear that

the said decision of the State Govt. of Bihar dated 25th February, 1987 is binding upon the Respondents concerned, and based there upon the Non-Teaching Employees of the Universities in Bihar are entitled for being paid their salary in the same scale of pay which have been made applicable for the similarly situated State Govt. Employees.

“14) In the case on hand, we have already extracted the commitment made by the State Government as early as in 1987, subsequent demands made by the Federation on various occasions and the final decision by the Minister concerned, various officers including HRD and Finance Departments, representatives of the Federation and all other persons connected with the issue in question. Added to it, directions were also issued to the Vice Chancellors and Registrars of all the Universities for implementing the said "Government's" decision. In such circumstances, as observed earlier, it cannot be open to the State to contend that it is not a Government's decision in terms of Article 162 read with Article 166 of the Constitution.”

9. That it is further submitted here that the said Civil Appeal No. 516 of 2013 has been disposed of in the following terms :-

“In view of our conclusion, we direct the State of Bihar to implement the impugned order of the High Court dated 07.08.2008 within a period of three months from the date of receipt of copy of this judgment. The appeal filed by the State of Bihar is dismissed with the above direction. There will be no order as to costs.”

10. That it is stated and asserted here that as per the said order dated 18.01.2013 passed by the Hon'ble Supreme Court of India in Civil Appeal No. 516 of 2013, the State of Bihar was under obligation to comply with the order dated 07.08.2008 passed by the Division Bench of this Hon'ble Court in C.W.J.C. No. 10870 of 2008. It is pertinent to mention here that by order dated 07.08.2008 in C.W.J.C. No. 10870 of 2008, this Hon'ble Court had been pleased to pass following order / direction :-

"7. We, accordingly, pass the following order:

- (i) The Federation shall call off the strike immediately and in no case later than 48 hours from today.*
- (ii) On and from 11th August, 2008, the academic session must re-start smoothly in all Colleges and Universities within the State of Bihar.*
- (iii) The Chief Secretary, Government of Bihar, Patna shall ensure that the commitment given by the State Government to the Federation having been reduced in writing on 18th July, 2007, is honoured by the State Government and it is implemented within one month from today."*

A true copy of order dated 07.08.2008 passed in CWJC No. 10870 of 2008 is annexed herewith as Annexure - 3 to this writ petition.

11. That it is stated and asserted here that vide Letter No. M.S.P. - अ० - 45 / 2020 dated 08.09.2020, the Petitioner No. 1 submitted a detailed representation before the Principal Secretary, Department of Education, Govt. of Bihar, Patna for the removal of pay anomaly of the Class IV Employees of the Universities in Bihar. The petitioners have been advised to bring on record the said Letter No. M.S.P. - अ० - 45 / 2020 dated 08.09.2020, contents whereof are self - explanatory.

A true copy of Letter No. M.S.P. - अ० - 45 / 2020 dated 08.09.2020 is annexed herewith as Annexure - 4 to this writ petition.

12. That it is stated and asserted here that in paragraph no. 6 of the said representation dated 08.09.2020 (Annexure - 4) it has clearly been stated by the petitioner no. 1 that -

“यह कि उपर्युक्त संकल्प को विश्वविद्यालय चतुर्थ वर्गीय कर्मियों के लिए लागू नहीं होने के कारण 5वी, 6वी, एव 7वी वेतन पुनरीक्षण में प्राप्त वेतन राज्य चतुर्थ वर्गीय कर्मियों से कमतर निर्धारित किया गया था जिससे हम कर्मी क्षुब्ध हैं तथा आर्थिक क्षति को झेल रहे हैं जो न्यायसंगत नहीं है।”

13. That it is stated and asserted here that several Class IV Employees of B.R.A.Bihar Ambedkar University, Muzaffarpur, who are

the members of the petitioner no. 1 have also submitted a detailed / joint representation before the Principal Secretary, Department of Education, Bihar, Patna on 08.09.2020, whereby the latter has been requested in the following terms :-

“उपर्युक्त वित्त विभाग के संकल्प दिनांक 12/05/16 के साथ राज्य सरकार के चतुर्थ वर्गीय कर्मियों के लिए लागू अद्यतन ए० सी० पी० संसोधन नियमावली 2006 को विश्वविद्यालय चतुर्थ वर्गीय कर्मियों के लिए समान रूप से प्रभावी करने की कृपया की जाय ।”

A true copy of representation dated 08.09.2020 is annexed herewith and marked as Annexure – 5 to this writ petition.

14. That it is stated and asserted here that several Class Iv Employees of L.N.M.U. Darbhanga have also filed a detailed representation before the Principal Secretary, Department of Education, Bihar, Patna, whereby and where under the latter has been apprised as to their grievances in the following terms :-

“ 6. यह कि उपर्युक्त संकल्प को विश्वविद्यालय चतुर्थ वर्गीय कर्मियों के लिए लागू नहीं होने के कारण 5वी, 6वी, एव 7वी वेतन पुनरीक्षण में प्राप्त वेतन राज्य चतुर्थ वर्गीय कर्मियों से कमतर निर्धारित किया गया था जिससे हम कर्मी क्षुब्ध हैं तथा आर्थिक क्षति को झेल रहे हैं जो न्यायसंगत नहीं है ।

7. माननीय उच्च न्यायालय द्वारा पारित न्यायदेश के आलोक में शिक्षा विभाग बिहार सरकार द्वारा अपने संकल्प संख्या 15 / डी० 1 - 01 /096 अंश 11 - 73 पटना दिनांक 09.01.2009 द्वारा विभागीय संकल्प संख्या 2693 दिनांक 27.06.2010 में संशोधित करते हुए हम कर्मियों को राज्य सरकार के भांति गैड पे दिया गया जिससे 6वीं वेतन पुनरीक्षण में सुधार तो हुआ किन्तु पंचम वेतनमान में संशोधन न होने के कारण सुधार नहीं हो पाया ।

अतः अनुरोध है कि उपर्युक्त सरकारी संकल्प को विश्वविद्यालय चतुर्थ वर्गीय कर्मियों की लिए समान रूप से प्रभावी करने की कृपा की जाय ।”

A true copy of the representation submitted by the Class IV Employees of L.N.M.U. Darbhanga is annexed as **Annexure – 6** to this writ petition.

15. That it is stated and asserted here that vide Resolution No. 3972 dated 12.05.2016, the Secretary (Expenditure), Finance Department, Govt. of Bihar, Patna vide paragraph no. 6 (i) has held / provided as follows :-

“दिनांक - 31.12.95 को रु० 1030/- तक वेतन प्राप्त कर रहे कर्मियों के लिए अपुनरीक्षित वेतनमान रु० 2550-3200 /- के बदले दिनांक 01.01.96 के प्रभाव से वेतनमान रु० 2610-4000 /- (मूल कोटि) संशोधित हो जाएगा । उसी प्रकार दिनांक 31.12.95 को 1030/- से

अधिक वेतन प्राप्त कर रहे कर्मियों के लिए मूल कोटी का वेतनमान 2650-4000 /- के रूप में संशोधित हो जाएगा।”

A true copy of State Govt. Resolution No. 3972 dated 12.05.2016 is annexed herewith and marked as Annexure – 7 to this writ petition.

16. That it is stated and asserted here that the Department of Finance, Govt. of Bihar issued a Resolution vide Letter No. 3 ए – 2 - वे०पु० – 06 / 2017 – 9025/ वि० dated 20.11.2017, whereby the Group ‘D’ employees have been granted the pay scale of 5200 -20200 (Grade Pay - 1900) w.e.f. 01.01.2016.

A true copy of Letter No. 3 ए – 2 - वे०पु० – 06 / 2017 – 9025/ वि० dated 20.11.2017 is annexed herewith and marked as Annexure – 8 to this writ petition.

17. That it is stated and asserted here that the Department of Education, Govt. of Bihar issued a Resolution as contained in Memo No. 15 डी० 1 – 01 / 09 अंश – II – 73 dated 02.01.2019, whereby in relation to the Group ‘D’ Employees working in the Universities / Colleges in the State of Bihar following decisions have been taken vide paragraph nos. 4 & 5 to the said Resolution dated 02.01.2019 :-

“4. वेतन विसंगति निराकरण समिति के अनुशांसा के आलोक में सम्यक समीक्षांपरांत राज्य सरकार द्वारा राज्य के विश्वविद्यालयों / महाविद्यालयों के समूह “घ” के कर्मियों को विभागीय संकल्प संख्या 2693 दिनांक 27.08.2020 द्वारा पूर्व में अनुमान्य किए गए वेतन संरचना को निम्नवत संशोधित करने का निर्णय लिया गया है

(क) विश्वविद्यालयों / महाविद्यालयों के दसवीं उत्तीर्ण समूह “घ” के कर्मियों को वेतन बैंड - 1 एवं ग्रेड पे० 1800 अनुमान्य होगा तथा इन्हें प्रशिक्षण प्रदान किया जाएगा ।

(ख) विश्वविद्यालयों / महाविद्यालयों के दसवीं अनुत्तीर्ण समूह “घ” के कर्मियों को वेतन बैंड - 1 एवं ग्रेड पे० 1800 अनुमान्य होगा । इन्हें पे बैंड 1 एवं ग्रेड पे 1800 एवं वेतन वृद्धि की स्वीकृति प्रशिक्षणोंपरांत दी जाएगी ।

5. इस संशोधित वेतन संरचना की प्रभावी तिथि राज्य सरकार के अनुरूप दिनांक 01.01.2006 से नोशनल तथा दिनांक 01.04.2007 से वास्तविक लाभ सहित होगी ।”

A true copy of Memo No. 15 डी० 1 –
01 / 09 अंश - II - 73 dated 02.01.2019
is annexed herewith and marked as
Annexure - 9 to this writ petition.

18. That it is stated and asserted here that in view of the policy decision of the State Govt. of Bihar as contained in Resolution No. 3972 dated 12.05.2016 (Annexure - 7), the Non - Teaching Employees working in the Universities in Bihar are entitled for being granted the

pay scale of Rs. 2610 – 4000 or Rs. 2650 - 4000 instead of the Pay Scale of Rs. 2550 – 3200, but the Non-Teaching Class – IV Employees of the Universities in Bihar are not being the pay scale of Rs. 2610 – 4000 or Rs. 2650 – 4000 w.e.f. 01.01.1996, rather they are are being paid their respective salary in the pay scale of Rs. 2550 – 3200 in a complete illegal and arbitrary manner. And this fact will become evident from a bare perusal of Pay Verification Letter No. 14072006025183 issued by the Respondent No. 7, whereby as on 29.04.2005 a Class IV Employee of M.P.Sinha Science College, Muzaffarpur has been granted the Basic Pay of Rs. 2550.00 only, instead of Rs. 2610.00 / 2650.00

A true copy of Pay Verification Letter No. 14072006025183 issued by the Respondent No. 7, whereby as on 29.04.2005 a Class IV Employee of M. P. Sinha Science College, Muzaffarpur is annexed herewith as **Annexure - 10** to this writ petition.

19. That it is stated and asserted here that in the given facts of the case, the Respondents are obliged to grant the pay scale of Rs. 2610 – 4000 or Rs. 2650 – 4000 to the Non-Teaching Employees of the Universities in Bihar w.e.f. 01.01.1996 and its subsequent corresponding pay scales to the non-teaching employees of the Universities in Bihar, that too, with all its consequential benefits.

20. That it is stated and asserted here that till date the respondent concerned have done nothing for the redressal of their grievances

enumerated here in above more precisely in Annexure - 4, 5 and 6 to this writ petition, which has been causing serious prejudice to the petitioners tantamounting to the violation of Article – 14 and 21 of the Constitution of India.

21. That in the given facts of the case, the petitioners have been left over with no alternative and equally efficacious remedy than to move before this Hon'ble Court in its extra ordinary writ jurisdiction of this Hon'ble Court for the redressal of their grievances so raised in Para No. 1 of this writ petition.

22. That the petitioners have not moved this Hon'ble Court earlier in this matter and for the relief(s) prayed for in Paragraph No. 1 of this writ petition.

It is, therefore, prayed that Your Lordships may graciously be pleased to admit this writ petition, issue Rule NISI calling upon the respondents to show cause as to why, the relief(s) prayed for in Paragraph No. 1 of this writ petition be not allowed, and on return of the rule, cause being shown if any, and after hearing the parties be further pleased to make the rule absolute in the said terms.

And / Or

Pass such other order / orders as Your Lordships may deem fit and proper in the facts and circumstances of this case.

And for this, the petitioner shall ever pray.

AFFIDAVIT


I, Shankar Yadav, aged about - 52 years, Sex – Male, Son of Basudev Lal Yadav, R/o Mohalla – Chunabhatti, P.O. – Lakshmi Sagar, P.S. – L.N.M.U. Campus, Town & District – Darbhanga, presently working as L.N.Mithila University Darbhanga, and the duly elected President of the Bihar Rajya Vishwavidyalay Karmchari Mahasangh, Patna, do hereby solemnly affirm and state as follows:-

1. That I am the through its President namely) in this case as such am well acquainted with the facts and circumstances of the case.
2. That I have gone through the contents of this application, which I have fully understood the same.
3. That the contents made in Paragraph Nos. 3, 4, 6, 8, 9, 12, 19, 20 & 22 are true to my knowledge and the contents made in Paragraph Nos. 5, 7, 10, 11 and 13 to 18 are true to the information derived from the records of this case and rest are by way of submission before this Hon'ble Court.
4. That the annexure are photo / true copies of their respective originals.




~~शंकर यादव~~
~~शंकर यादव~~

शंकर यादव
 Shankar Yadav
 जन्म तिथि/ DOB: 05/02/1969
 पुरुष / MALE



8037 4075 1068

आधार-आम आदमी का अधिकार

 **आधार प्रमाणिकरण विभाग**
 MINISTRY OF SOCIAL JUSTICE AND EMPLOYMENT OF INDIA

पता:
 S/O: बाशुदेव लाल यादव, -
 - चूनामट्टी लक्ष्मीसागर,
 मिल्की, दरभंगा,
 बिहार - 848009

Address:
 S/O Beshurdev Lal Yadav
 CHUNABHTHI LAXMISAGAR
 Milk, Darbhanga
 Bihar - 848009

8037 4075 1068

Aadhaar-Aam Admi ka Adhikar

शंकर यादव

ANNEXURE - 1

"No. 123/C
Govt. of Bihar
Education Department

From:-

Sh. Bhaskar Banerjee
Secretary to the Govt.
Education Department, Bihar

To:

General Secretary
Bihar State Universities
and Colleges Non-teaching
Staff Federation, Patna

Dated: 25th February, 1987

Sir,

This is to inform as per direction that the compromise which has taken place by the Govt. with Govt. staff in regard to the recent strike and the facilities which have been provided, the same shall also be sanctioned to the non-teaching staff of universities and subordinate affiliated colleges. The Govt. has already taken the decision to declare the same as equivalent to Govt. staff.

The copy of this letter is being sent to the Vice Chancellors of all Universities for kind information and necessary action.

Yours faithfully,

Sd/-

Bhaskar Banerjee

25.02.1987

Secretary to the Govt.,
Education Department
Bihar, Patna"

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 516 of 2013
(Arising out of SLP (C) No. 22617 of 2008)

State of Bihar & Anr. Appellant (s)

Versus

Sunny Prakash & Ors. Respondent(s)

J U D G M E N T

P. Sathasivam, J.

1) Leave granted.

2) This appeal is directed against the judgment and order dated 07.08.2008 passed by the High Court of Judicature at Patna in CWJC No. 10870 of 2008 whereby the Division Bench of the High Court in a Public Interest Litigation (PIL) issued *mandamus* directing the Chief Secretary, Government of Bihar, Patna to ensure that the commitment given by the State Government to the Bihar State University and College Employees Federation (in short "the Federation") is honoured and implemented within one month from the date of the judgment.

3) Brief facts:

(a) The Government of Bihar, Education Department, vide G.O. dated 25.02.1987, declared the non-teaching staff of Universities and Constituent Colleges equivalent to the Government staff.

(b) On 16.07.2003, an Agreement/Compromise was arrived at between the Federation and the State Government, regarding parity between the employees of the Constituent Colleges of the University and the State Government. On 21.07.2003, the State Government sent the said Agreement to the Vice Chancellors of all the Universities of the State of Bihar for necessary action.

(c) In 2005, because of the non-implementation of the Agreement arrived at, there was a strike by the Federation in the State of Bihar. Following the strike of the Federation, on 24.08.2005, an understanding was arrived at between the Federation and the Government of Bihar and the strike was recalled later.

(d) Since the Agreement was not implemented, on 01.07.2007, the Federation again went on strike which led to complete disruption of educational activities in the Colleges and the Universities of Bihar. On 17.07.2007, a meeting was held between the representatives of the Federation and the Government of Bihar and an Agreement/Understanding was again arrived at on 18.07.2007 for consideration of their demands. Pursuant to the same, on 19.07.2007, a letter was issued by the Government for implementation of the Agreement and the strike was recalled.

(e) In July, 2008, again, on account of non-implementation of the Agreement/Understanding, the Federation was again constrained to go on strike. Due to indefinite strike of teaching and non-teaching staff of the Universities, on 14.07.2008, a letter was written by Sunny Prakash (Respondent No. 1 herein), student of Daroga Prasad Roy Degree College, addressed to the Chief Justice of the High Court requesting to end the strike, which was treated as a Public Interest Litigation (PIL). On 28.07.2008, an intervention application was filed by the Federation (R-5) in the PIL before the High Court.

(f) After hearing the parties, the Division Bench of the High Court, vide order dated 07.08.2008, *inter alia*, directed the Chief Secretary, Government of Bihar to ensure that the commitment given by the State Government to the Federation which have been reduced to writing on 18.07.2007, is honoured and implemented within one month. The High Court also directed the Federation to withdraw the strike immediately.

(g) On 22.08.2008, an application was filed by the Government of Bihar for modification of the impugned order, which was also dismissed by the High Court.

(h) Aggrieved by the order dated 07.08.2008 passed by the High Court, the State of Bihar preferred the above appeal by way of special leave petition before this Court.

4) Heard Mr. Rakesh Dwivedi, learned senior counsel for the appellants, Mr. K.K. Venugopal, learned senior counsel for respondent Nos. 4 and 5, Mr. Manu Shanker Mishra, learned counsel for respondent Nos. 2 and 3 and Mr. Ashok Mathur for respondent No.1.

Discussion:

5) The only grievance of the State is that the Agreement dated 18.07.2007 relied on by the High Court for issuance of impugned direction was not in accordance with the Rules of

Executive Business, State of Bihar which are statutory rules framed under Article 166 (3) of the Constitution of India. On the other hand, it is the stand of the Federation that the Agreement executed on 18.07.2007 was a valid one and pursuant to the same, the State Government itself issued directions to the authorities concerned for its implementation.

6) In order to understand the rival claim, it is useful to refer copy of the proceedings of the understanding held on 17.07.2007 which reads as under:-

“Proceeding of discussion on 17.7.07 with respect to implementation of proceeding regarding agreement between the Bihar State University and College Employees federation on 24.8.05 and withdrawal of strike.

Present :-

1. Hon'ble Prof. Arun Kumar, Chairman, Bihar Legislative Council.
2. Hon'ble Sri Vrishan Patel, Minister, Human Resource Department.
3. Hon'ble Vasudev Singh, M.L.C.
4. Hon'ble Kedar Pandey, M.L.C.
5. Hon'ble Mahachandra Prasad Singh, M.L.C.
6. Hon'ble Dilip Kumar Choudhary, M.L.C.
7. Hon'ble Ram Kishore Singh, M.L.C.
8. Hon'ble Srimati Usha Sahni, M.L.C.
9. Principal Secretary, Human Resource Development Department
10. Commissioner, Finance Department
11. Addl. Commissioner, Human Resource Development Department
12. Addl. Commissioner, Finance Department
13. Sri Rajendra Mishra, Patron, Mahasangh (Association)
14. Sri Bimal Prasad Singh, President, Mahasangh
15. Sri Ganga Prasad Jha
16. Sri Ramshankar Mehta, Joint Secretary, Mahasangh
17. Sri Dhanajay Prasad Singh, Vice President, Mahasangh
18. Sri Premchand, Joint Secretary, Mahasangh
19. Sri Rohit Kumar, Treasurer, Mahasangh,
20. Sri. M.P. Jaiswal, Executive Member

Regarding the matter of strike by the non-teaching staffs of the university and colleges of the State, the representatives of the Federation met with the Hon'ble Chairman of Bihar Legislative Council in his office on their demands and the following points were considered for issuance of government order and it was decided that the strike will be called off by the Federation: -

1. 50% Dearness Allowance may be merged with Basic Pay.
2. Medical Allowance may be increased from Rs.50/-(Fifty) to Rs.100/- (Hundred).
3. Facility of ACP may be given to the employees.
4. Head Assistant and Accountant of the colleges may be designated as Section Officer at the departmental level.
5. Pay scale of Rs. 5500-9000 may be granted to the Assistants of colleges and university.
6. Assistant Librarian and PTI who are possessing qualification fixed by UGC, may be granted UGC pay scale.
7. Library Assistant, Sorter, Routine Clerk, Correspondence clerk may be granted a pay scale of Rs. 4000-6000 at Departmental level.
8. Facilities of accumulation of 240 days Earned Leave and encashment may be granted to the employees at par with the employees of state government which will be admissible similarly to the class III and class IV grade employees.
9. Ward servant may be designated as Hostel servant.
10. Anomalies regarding the pay scale of University Engineer, Assistant Engineer and Junior Engineer and Electrician may be removed.
11. Store Keeper may be treated as an Assistant and pay scale may be given accordingly.

The following points were considered with respect to the period of strike:-

1. No coercive and punishable proceeding will be initiated against any employee for the reason of strike.
2. For strike period, due and admissible earned leave may be sanctioned.
3. Even after above action, if the days of absence remains, the absence that may be sanctioned against earned leave to be earned in future.
4. If earned leave to be earned in future is not sufficient for period of absence the extraordinary leave may be sanctioned for remaining period.

After consideration on the above mentioned demands regarding the period of strike were accepted by the Government to be acted upon within one and a half month as per rules.

| | | |
|-------------------|----------------------|--|
| Sd/- | Sd/- | Sd/- |
| (Ganga Pd. Jha) | (Dr.Vimal Pd. Sinha) | (Sanjeev Kr. Sinha) |
| 18.07.2007 | 18.07.2007 | 18.07.2007 |
| General Secretary | Chairman | Addl.Commissioner-cum- Secretary,HRD Patna” |

7) The above details show that apart from the Chairman, Bihar Legislative Council, Minister concerned, viz., Human Resource Department (HRD) as well as Principal Secretary, HRD and Commissioner, Finance Department as well as various other higher level officers of the State Government participated, deliberated and ultimately accepted the demands of the Federation. It is also to be noted that at the end of the discussion and after recording of the terms and conditions, General Secretary of the Federation, Chairman and Addl. Commissioner-cum-Secretary, HRD, Patna signed the same on the very next day i.e., 18.07.2007. In such circumstances, it cannot be contended that decision was not taken by or on behalf of the Government.

8) In addition to the same, Mr. Venugopal, learned senior counsel for the contesting respondents has also brought to the notice of this Court the letter dated 21.07.2003 addressed to the Vice Chancellors of all the Universities of the State of Bihar which reads as under:-

"Letter No.2/D01-04/2003 H.E.
Govt. of Bihar
Higher Education Department

From:-

Sh. Aditya Narayan Singh
Deputy Secretary to the Govt.

To:-

The Vice Chancellors
All the Universities of the
State of Bihar.

Patna, dated: 21st July, 2003

Sub:- The Proceedings of the agreement dated 16.07.2003 between Bihar State Universities and Colleges Staff Federation and Govt. of Bihar

Sir,

Copy of the proceedings of the agreement dated 16.07.2003 between Bihar State Universities and Colleges Staff Federation and State Govt. is being sent having annexed for necessary action.

Faithfully

Sd/-

21.07.2003

Aditya Narayan Singh

Deputy Secretary to the Govt.

Rajendra/19.07.2003

Memorandum No.2/D01-04/2003

Dated 21.07.2003"

9) In addition to the same, it is also brought to our notice that even after the discussion on 17.07.2007, on 19.07.2007 itself, Human Resources Development Department of the Government of Bihar sent another communication to the Registrars of all the Universities of the State to implement the decision arrived in the negotiation held on 17.07.2007.

The said letter reads as under:-

"Letter No.2/D 1-04/2003-1107

Government of Bihar

Human Resources Development Department

From:-

Gopal Ji

Deputy Director,

Human Resources Development Department

Patna, Dated 19.07.2007

To

The Registrar

All the Universities of the State

Bihar

Subject:- For the implementation of the agreement reached with the Bihar State University and College Employees Federation on 24.08.2005 and the proceedings of the negotiation held on 17.07.2007 for recalling the strike.

Sir,

As directed for the implementation of the agreement reached with the Bihar State University and College Employees Federation on 24.08.2005 and a copy of the

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proceedings of the negotiation held on 17.07.2007 for recalling the strike are being sent for information and necessary action.

Yours faithfully,

Sd/-

(Gopal Ji)

Deputy Director (Higher Education)"

In order to appreciate the stand of both sides, it is useful to refer the earliest decision of the Government of Bihar, Education Department dated 25.02.1987 informing the General Secretary of the Federation, that facilities which have been provided for Government staff shall also be sanctioned to the non-teaching staff of the Universities and subordinate affiliated colleges. The said communication reads as under:-

"No. 123/C

Govt. of Bihar

Education Department

From:

Sh. Bhaskar Banerjee
Secretary to the Govt.
Education Department, Bihar

To:

General Secretary
Bihar State Universities
and Colleges Non-teaching
Staff Federation, Patna

Dated: 25th February, 1987

Sir,

This is to inform as per direction that the compromise which has taken place by the Govt. with Govt. staff in regard to the recent strike and the facilities which have been provided, the same shall also be sanctioned to the non-teaching staff of universities and subordinate affiliated colleges. The Govt. has already taken the decision to declare the same as equivalent to Govt. staff.

The copy of this letter is being sent to the Vice Chancellors of all Universities for kind information and necessary action.

Yours faithfully,

Sd/-

Bhaskar Banerjee

25.02.1987

Secretary to the Govt.,

Education Department

Bihar, Patna”

10) Mr. Rakesh Dwivedi, learned senior counsel for the State contended that in the absence of any decision by the Cabinet in terms of the Rules of Executive Business, any other agreement or decision is not binding on them. However, in the light of the various directions of the very same Government, particularly, by the HRD/Education Department, requesting all the Vice Chancellors and Registrars of all the Universities to implement "Government's" decision, the said contention is liable to be rejected.

11) In support of his claim, Mr. Dwivedi, learned senior counsel for the State relied on a decision of this Court in *Haridwar Singh vs. Bagun Sumbrui and Others*, (1973) 3 SCC 889 wherein while relying on Rule 10 of the Rules of Executive Business and finding that as per Rule 10 (2), prior consultation with the Finance Department is required for a proposal and Cabinet alone would be competent to take a decision, this Court allowed the appeal and set aside the contrary direction issued by the High Court. According to us, the above decision is not applicable to the case on hand since we have already noted that the Commissioner, Finance Department as well as various other higher level officers of the State Government participated in the discussion. Further, in the said decision, when the Finance Department was consulted, the Department did not agree for the said proposal whereas this was not the situation in the case on hand.

12) The next decision relied on by learned senior counsel for the State is *Punit Rai vs. Dinesh Chaudhary*, (2003) 8 SCC 204. He pressed into service the following observations made by this Court:

“42. The said circular letter has not been issued by the State in exercise of its power under Article 162 of the Constitution of India. It is not stated therein that the decision has been taken by the Cabinet or any authority authorized in this behalf in terms of Article 166(3) of the Constitution of India. It is trite that a circular letter being an administrative instruction is not a law within

the meaning of Article 13 of the Constitution of India. (See *Dwarka Nath Tewari v. State of Bihar*, AIR 1959 SC 249.)

First of all, the said decision relates to a question, namely, whether the respondent therein belonged to Scheduled Caste community or not? On going through the same, we are of the view that the same is not applicable to the case on hand.

13) Finally, learned senior counsel for the State relied on a decision of this Court reported in *State of U.P. vs. Neeraj Awasthi and Others*, (2006) 1 SCC 667. This case relates to the jurisdiction of the High Court to issue a direction for framing a scheme for regularization of the employees of the U.P. Agricultural Produce Market Board. Learned senior counsel relied on the statement made in para 41 which reads thus:-

“41. Such a decision on the part of the State Government must be taken in terms of the constitutional scheme i.e. upon compliance with the requirement of Article 162 read with Article 166 of the Constitution. In the instant case, the directions were purported to have been issued by an officer of the State. Such directions were not shown to have been issued pursuant to any decision taken by a competent authority in terms of the Rules of Executive Business of the State framed under Article 166 of the Constitution.”

This decision makes it clear that a decision of the State Government must be in compliance with the requirement of Article 162 read with Article 166 of the Constitution and a direction issued by an officer of the State without following such procedure is not binding on the Government. We are in respectful agreement with the same.

14) In the case on hand, we have already extracted the commitment made by the State Government as early as in 1987, subsequent demands made by the Federation on various occasions and the final decision by the Minister concerned, various officers including HRD and Finance Departments, representatives of the Federation and all other persons connected with the issue in question. Added to it, directions were also issued to the Vice Chancellors and Registrars of all the Universities for implementing the said "Government's" decision. In such circumstances, as observed earlier, it cannot be open to the State to contend that it is not a Government's decision in terms of Article 162 read with Article 166 of the Constitution.

15) Mr. Venugopal, learned senior counsel for the contesting respondents heavily relied on the principles laid down in *State of Bihar and Others vs. Bihar Rajya M.S.E.S.K.K. Mahasangh and Others*, (2005) 9 SCC 129. The said decision also arose from a dispute concerning the absorption of about 4000 employees working in teaching and non-teaching posts in 40 colleges affiliated to various Universities which were taken over as Constituent Colleges in accordance with the provisions of the Bihar State Universities Act, 1976. It was contended on behalf of the State of Bihar that power to sanction additional posts and appointments against the same in the affiliated colleges is within the exclusive jurisdiction and power of the State under Section 35 of the Act. It was also contended that certain decisions of the Government that were taken after the change of elected Government had no prior approval of the Council of Ministers. The decision by the Cabinet, approval by the Chief Minister on behalf of the Cabinet is *sine qua non* for treating any resolution as a valid decision of the Government. It was also stated that in the absence of Cabinet approval, the order dated 01.02.1988 which was issued by the Deputy Secretary to the Government of Bihar has no legal efficacy. It was further argued by the State that any valid order of the Government has to be formally expressed in the name of the Governor in accordance with Article 166 of the Constitution. In para 64, this Court has held thus:

64. So far as the order dated 18-12-1989 is concerned, the State being the author of that decision, merely because it is formally not expressed in the name of the Governor in terms of Article 166 of the Constitution, the State itself cannot be allowed to *resile* or go back on that decision. Mere change of the elected Government does not justify dishonouring the decisions of previous elected Government. If at all the two decisions contained in the orders dated 1-2-1988 and 18-12-1989 were not acceptable to the newly elected Government, it was open to it to withdraw or rescind the same formally. In the absence of such withdrawal or rescission of the two orders dated 1-2-1988 and 18-12-1989, it is not open to the State of Bihar and State of Jharkhand (which has been created after reorganisation of the State of Bihar) to contend that those decisions do not bind them.

From the above conclusion, it is clear that merely because of change of elected Government and the decision of the previous government not expressed in the name of Governor in terms of Article 166 of the Constitution, valid decision cannot be ignored and it is not open to the State to contend that those decisions do not bind them.

16) It is also useful to refer a Constitution Bench decision of this Court in *R. Chitrlekha and Anr. vs. State of Mysore and Others*, AIR 1964 SC 1823. In order to understand the principles laid down by the Constitution Bench, it is useful to quote paras 4 and 5 which read thus:

“(4). The next contention advanced is that Annexure IV was invalid as it did not conform to the requirements of Art. 166 of the Constitution. As the argument turns upon the form of the said annexure it will be convenient to read the material part thereof.

"Sir,

Sub:- Award of marks for the "interview" of the candidates seeking admission to Engineering Colleges and Technical Institutions.

With reference to your letter No. AAS.4.ADW/63/2491, dated the 25th June, 1963, on the subject mentioned above, I am directed to state that Government have decided that 25 per cent of the maximum marks.....

Yours faithfully,

Sd/- S. NARASAPPA,

Under Secretary to Government, Education Department."

Ex facie this letter shows that it was a communication of the order issued by the Government under the signature of the Under Secretary to the Government, Education Department. Under Art. 166 of the Constitution all executive action of the Government of a State shall be expressed to be taken in the name of the Governor, and that orders made in the name of the Governor shall be authenticated in such manner as may be specified in rules to be made by the Governor and the validity of an order which is so authenticated shall not be called in question on the ground that it is not an order made by the Governor.

If the conditions laid down in this Article are complied with, the order cannot be called in question on the ground that it is not an order made by the Governor. It is contended that as the order in question was not issued in the name of the Governor the order was void and no interviews could be held pursuant to that order. The law on the subject is well-settled. In *Dattatreya Moreshwar Pangarkar v. The State of Bombay* 1952 SCR 612 at p.625: (AIR 1952 SC 181 at pp. 185-186). Das J., as he then was, observed :

"Strict compliance with the requirements of article 166 gives an immunity to the order in that it cannot be challenged on the ground that it is not an order made by the

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"Strict compliance with the requirements of article 166 gives an immunity to the order in that it cannot be challenged on the ground that it is not an order made by the

Governor. If, therefore, the requirements of that article are not complied with, the resulting immunity cannot be claimed by the State. This, however, does not vitiate the order itself.....Article 166 directs all executive action to be expressed and authenticated in the manner therein laid down but an omission to comply with those provisions does not render the executive action a nullity. Therefore, all that the procedure established by law requires is that the appropriate Government must take a decision as to whether the detention order should be confirmed or not under section 11(1)."

The same view was reiterated by this Court in *The State of Bombay v. Purshottam Jog Naik*, 1952 SCR 674: (AIR 1952 SC 317), where it was pointed out that though the order in question then was defective in form it was open to the State Government to prove by other means that such an order had been validly made. This view has been reaffirmed by this Court in subsequent decisions : see *Ghaio Mall and Sons v. The State of Delhi* ((1959) S.C.R. 1424), and it is, therefore, settled law that provisions of Art. 166 of the Constitution are only directory and not mandatory in character and, if they are not complied with, it can be established as a question of fact that the impugned order was issued in fact by the State Government or the Governor. The judgment of this Court in *Bachhittar Singh v. The State of Punjab* ((1962) Supp. 3 S.C.R. 713) does not help the appellants, for in that case the order signed by the Revenue Minister was not communicated to the party and, therefore, it was held that there was no effective order.

(5) In the light of the aforesaid decisions, let us look at the facts of this case. Though Annexure IV does not conform to the provisions of Art. 166 of the Constitution, it *facie* says that an order to the effect mentioned therein was issued by the Government and it is not denied that it was communicated to the selection committee. In neither of the affidavits filed by the appellants there was any specific averment that no such order was issued by the Government. In the counter-affidavit filed by B. R. Varma, Deputy Secretary to the Government of Mysore, Education Department, there is a clear averment that the Government gave the direction contained in Annexure IV and a similar letter was issued to the selection committee for admissions to Medical Colleges and this averment was not denied by the appellants by filing any affidavit. In the circumstances when there are no allegation at all in the affidavit that the order was not made by the Government, we have no

reason to reject the averment made by the Deputy Secretary to the Government that the order was issued by the Government. There are no merits in this contention.”

From this decision, it is clear that the provisions of Article 166 of the Constitution are only directory and not mandatory in character and if they are not complied with, it can be established as a question of fact that the impugned order was issued in fact by the State Government. In the case on hand, we have already demonstrated various communications issued by the Government for implementation of the earlier decision. In such circumstance, we have no reason to reject those communications sent by the higher level officers of the State Government.

17) Inasmuch as all the persons who were competent to represent were the parties to the said Agreement referred to above and after making such commitment by the State Government, as rightly observed by the High Court, we are also of the view that the same has to be honored without any exception. By the impugned order, the High Court has not only directed the State Government to implement the commitment given by it having been reduced into writing on 18.07.2007, honoured by the State Government itself in subsequent letters/correspondences but also directed the Federation to call off the strike immediately in the interest of the student community. We also make it clear that though the High Court termed the impugned order as interim in nature, considering the fact that the writ petition came to be filed by a student in the interest of the student community by writing a letter which was treated as a PIL, no further order need be passed in the said writ petition, namely, CWJC No. 10870 of 2008 pending on the file of the High Court at Patna and it stands closed.

18) In view of our conclusion, we direct the State of Bihar to implement the impugned order of the High Court dated 07.08.2008 within a period of three months from the date of receipt of copy of this judgment. The appeal filed by the State of Bihar is dismissed with the above direction. There will be no order as to costs.

.....J.

(P. SATHASIVAM)

.....J.

(JAGDISH SINGH KHEHAR)

NEW DELHI;
JANUARY 18, 2013.

* ANN-3 *

33

IN THE HIGH COURT OF JUDICATURE AT PATNA

CWJC No.10870 of 2008

IN THE MATTER OF LETTER OF SUNNY PRAKASH

Versus

THE STATE OF BIHAR & ORS

For the Petitioner : Mr. Ranjan Kumar, J.C. to AAG IV

For the Respondents 3 & 4 : Mr. Shivendra Kishore.

For Intervenor Respondents : M/S. Chittaranjan Sinha, Senior Counsel
& Sunil Kumar Singh

P R E S E N T

Hon'ble the Chief Justice

&

Hon'ble Mr. Justice Dr. Ravi Ranjan

Dated, the 7 th August, 2008.

This writ petition has been registered as a Public Interest Litigation on the basis of a letter sent by Sunny Prakash, a student of 1 st year B.Sc. in Daroga Prasad Rai Degree College, Siwan. He has raised grievance with regard to ongoing indefinite strike by the non teaching staff of various Universities.

2. An application (I.A. No. 4426 of 2008) has been made by the Bihar State University and College Employees Federation (for short, 'Federation') for intervention in the matter. In view of what has been stated in the application, we grant leave to the Federation to be impleaded as party respondent. The office shall make necessary correction in the cause title accordingly.

3. In its application, the Federation has stated that in the month of July, 2007, non-teaching employees of the Universities and Colleges of Bihar went on strike for

implementation of their diverse demands. On 18 th July, 2007, an agreement was signed between the State Government and the Federation and the State Government agreed that its demands, details of which have been set out in the agreement, would be implemented within one and a half months. However, despite the said agreement, the State Government has yet not implemented the accepted demands. The Federation is said to have sent a communication on the 24th April, 2008 to the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna for implementation of the agreement dated 18th July, 2007. They also put the Government to notice that if the demands were not implemented, the Federation and its members would go on indefinite strike with effect from 1st July, 2008. The Federation also seems to have written to the Minister, Human Resources Development Department, Government of Bihar, Patna for implementation of the agreement dated 18th July, 2007 but when nothing was done, they went on strike with effect from 1st July, 2008.

4. Whatever may be the reasons for the strike by the Federation and its members, the said action cannot be justified. Did the Federation even think that by their action, the academic session would get affected which may seriously jeopardise the future of the students. In a democratic set up, there are various ways of protest highlighting the grievances but the protest in the form of strike brings in more harm than solution. Ultimately, it is the public that suffers because of strikes. The case in hand relates to strike by the non-teaching employees in all the Universities and Colleges of the State, which if allowed to continue any longer, may ruin the future of large number of students. That has to be stopped without any delay lest it must cause irretrievable loss.

5. An affidavit filed by the Registrar of Jai Prakash University, Chapra makes a painful reading; it states that because of the strike by the Federation, they could not conduct B.Sc. Part I Examination, 2008. What a huge loss to the students?

6. Any agreement is founded on the trust that it would be carried out by the concerned parties. Where the State Government or its functionaries happen to be party to an agreement, it is not even conceivable that the agreement has been entered into to be followed in breach. Any commitment by the State Government has to be honoured and without any exception. However, the facts of the case would, prima facie, reveal that the State Government has taken the agreement dated 18th July, 2007 lightly. It, perhaps, failed to appreciate the repercussions likely to follow by not honouring the commitment. The strike followed resulting into huge academic loss to the students.

7. We, accordingly, pass the following order:

- (i) The Federation shall call off the strike immediately and in no case later than 48 hours from today.
- (ii) On and from 11th August, 2008, the academic session must re-start smoothly in all Colleges and Universities within the State of Bihar.
- (iii) The Chief Secretary, Government of Bihar, Patna shall ensure that the commitment given by the State Government to the Federation having been reduced in writing on 18th July, 2007, is honoured by the State Government and it is implemented within one month from today.

8. Let the writ petition come up for further consideration on 8th September, 2008.

R. M. Lodha, CJ

Dr. Ravi Ranjan,

J AMIN/-

बिहार राज्य विश्वविद्यालय कर्मचारी महासंघ

अध्यक्ष

श्री शक्तिर यादव

एन.ए.ए.बी.यू., दरभंगा

फोन- 9430996453 / 8271191632

पटना-800005 (बिहार)

पत्रांकन - 97/82

प्रवेश कार्यालय-अखिलेश नगर, पश्चिमी गेट नं०-2,

कान-बापसा, पोस्ट-झाकगीच, पटना-800006, फोन- 7543042345

सहासचिव

श्री राघवेंद्र कुमार

बी०आर०ए०बी०यू०, मुजफ्फरपुर

फोन- 9973358168

सुबोध कुमार

पटना विश्वविद्यालय, पटना।

फोन- 9835447023

डॉ० सरोज कुमार सिंह

बनप्रकाश विश्वविद्यालय, छपरा।

फोन- 9939745814

जगजित मजहर हामाम

बी० हूँ० सिंह विश्वविद्यालय, आरा।

फोन- 9931062586

डॉ० रविन्द्र कुमार मिश्र

कामेश्वर सिंह संस्कृत विश्वविद्यालय

दरभंगा। फोन- 8797275807

श्री सुदेश कुमार चौधरी

तिलकामांझी विश्वविद्यालय, भागलपुर

फोन- 9973542172

डॉ० राजेश्वर राय

बी.एन. मंडल विश्वविद्यालय, मधेपुरा।

फोन- 9431413716

श्री रंजन कुमार

बी.आर.ए.बी.यू. मुजफ्फरपुर

फोन- 9472003662

श्री अमरनाथ पाठक

मगध विश्वविद्यालय, बोधगया

फोन- 8002497555

श्री गीतव

बी.आर.ए.बी.यू. मुजफ्फरपुर

फोन- 9123469271

पत्रांक. M.S.P.-370-45/2020

दिनांक 08/09/2020

सेवा में,

श्रीमान् प्रधानसचिव महोदय,
शिक्षा विभाग बिहार, पटना।

विषय :- चतुर्थ वर्गीय कर्मियों के वेतनमान में उत्पन्न विसंगति का निवारण करने के संबंध में।

महोदय,

उपर्युक्त विषय की ओर आपका ध्यान आकृष्ट करते हुए निम्नलिखित तथ्य आपके अवलोकनार्थ एवं आवश्यक कार्यार्थ प्रेषित कर रहा हूँ :-

1. यह कि शिक्षा विभाग के पत्रांक 123/सी दिनांक 25.02.1987 के अनुसार विश्वविद्यालय कर्मियों को राज्य कर्मियों के समकक्ष वेतनमान देय है। (A-1)
2. यह कि माननीय सर्वोच्च न्यायालय के सिविल अपील सं० 516/2013 में दिनांक 18.01.2013 एवं माननीय उच्च न्यायालय पटना के सी०डब्ल्यू०जे०सी०सं०-12502/1993 में दिनांक 24.09.1996 को पारित न्यायादेश इस संबंध में अवलोकनीय एवं अनुपालनीय है। (A/2& 3)
3. यह कि पंचम वेतनमान में विश्वविद्यालय के चतुर्थ वर्गीय कर्मियों के लिए उच्च शिक्षा विभाग का संकल्प ज्ञापांक 15 एम०-120/99 1572 दिनांक 12.10.2004 दिनांक 12.10.2004 द्वारा रू० 2550-3200 को मूल कोटि वेतनमान स्वीकृत किया गया था। उक्त वेतनमान राज्य के चतुर्थ वर्गीय कर्मियों के लिए भी स्वीकृत था जिसे बिहार सरकार के संकल्प वित्त विभाग के

बिहार राज्य विश्वविद्यालय कर्मचारी महासंघ

अध्यक्ष

श्री शंकर यादव

एल.ए.एच.यू., दरभंगा

फोन- 9430996453 / 8271191632

पटना-800005 (बिहार)

संज्ञांक - 97 82

प्रदेश कार्यालय-अखिलेश नगर, पश्चिमी रोड नं०-2,

पटना-800006, फोन- 7543042345

महासचिव

श्री राघवेंद्र कुमार

बी०आर०ए०बी०यू०, मुजफ्फरपुर

फोन- 9973358168

संज्ञांक

सुबोध कुमार

पटना विश्वविद्यालय, पटना

फोन- 9835447023

डॉ० सरोज कुमार सिंह

जयप्रकाश विश्वविद्यालय, लखी

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संज्ञांक

जगन्नाथ मंजिर इमाम

बी० यू० सिंह विश्वविद्यालय, आरा

फोन- 9931062586

संज्ञांक

डॉ० रविन्द्र कुमार मिश्र

ब्रह्मेश्वर सिंह संस्कृत विश्वविद्यालय

दरभंगा। फोन- 8797275807

श्री सुदेश कुमार चौधरी

इन्दिराप्रस्थी विश्वविद्यालय, भागलपुर

फोन- 9973542172

डॉ० राजेश्वर राय

एन. मंडल विश्वविद्यालय, मधेपुरा।

फोन- 9431413716

श्री रंजन कुमार

बी०आर०ए०बी०यू०, मुजफ्फरपुर

फोन- 9472003662

श्री अमरनाथ पाठक

मगध विश्वविद्यालय, बोधगया

फोन- 8002497555

पटना

श्री गौरव

बी०आर०ए०बी०यू०, मुजफ्फरपुर

फोन- 9123469271

संज्ञांक.....

दिनांक.....

- संकल्प ज्ञापांक 3ए0-2-वे-पु0 01/2016-3972/बि0 दिनांक 12.05.2016 की कण्डिका 6 (1)-(VI) पर लिए गए निर्णय को केवल राज्य के चतुर्थ वर्गीय कर्मियों के लिए लागू किया गया है एवं विश्वविद्यालय चतुर्थवर्गीय कर्मियों के लिए आज तक प्रभावी नहीं किया गया। (अनुलग्नक-4)।
4. उपर्युक्त पत्रांक 1231 सी0 दिनांक 25.02.1987 के आलोक में ल0ना0 मिथिला विश्वविद्यालय, दरभंगा के तत्कालीन कुलपति महोदय ने विश्वविद्यालय कार्यालय आदेश ज्ञापांक 6510-603/16 दिनांक 29.09.2011 के द्वारा बिहार सरकार 3 ए0-2-वे0पु0 02/2011-3937 दिनांक 31.03.2011 तथा बिहार सरकार वित्त विभाग का सकल ज्ञापांक - 3ए0-2-वे0पु0-07/2016-3972/बि0 दिनांक 12.05.2016 द्वारा प्रदत्त लाभ मिला था।
5. राज्यपाल सचिवालय, राजमवन पटना के ज्ञापांक बी0एस0यू0 41/2013-429/रा0स0 दिनांक 04.03.2014 के द्वारा प्रस्थापित परिनियम की पृष्ठ सं0-3 के बिन्दु-4 एवं 4 (II) के प्रावधानों "भविष्य में राजकीय संकल्पों के द्वारा संशोधित किये गये वेतनमान के अनुरूप उपर्युक्त विवरणी संलग्न परिशिष्ट -1 एवं 2 निदिष्ट वेतनमान एवं संशोधित समझा जायेगा।
6. यह कि उपर्युक्त संकल्प को विश्वविद्यालय चतुर्थ वर्गीय कर्मियों के लिए लागू नहीं होने के कारण 5वीं, 6वीं एवं 7वीं वेतन पुनरीक्षण में प्राप्त वेतन राज्य चतुर्थ वर्गीय कर्मियों से कमतर

बिहार राज्य विश्वविद्यालय कर्मचारी महासंघ

अध्यक्ष

श्री शंकर यादव

एल.एन.ए.यू., दरभंगा

मो०- 9430996453 / 8271191632

पटना-800005 (बिहार)

पत्राचार - 97/82

प्रदेश कार्यालय-अखिलेश नगर, पारिवर्ती रोड नं०-2,
बन-कल्याण, पोस्ट-इलाहाबाद, पटना-800006, मो०- 7543042345

महासचिव

श्री राजेश्वर कुमार

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सुबोध कुमार

पटना विश्वविद्यालय, पटना

मो०- 9835447023

डॉ० सतेश कुमार सिंह

नवप्रकाश विश्वविद्यालय, छपरा

मो०- 9939745814

जनाब मंजर इमाम

बी० कृ० सिंह विश्वविद्यालय, आरा

मो०- 9931062586

डॉ० रविन्द्र कुमार मिश्र

कामेश्वर सिंह संस्कृत विश्वविद्यालय

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श्री सुरेश कुमार चौधरी

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मो०- 9973542172

डॉ० राजेश्वर राय

बी.एन. मंडल विश्वविद्यालय, मधेपुरा

मो०- 9431413716

श्री रंजन कुमार

बी.आर.ए.बी.यू. मुजफ्फरपुर

मो०- 9472003662

श्री अमरनाथ पाठक

मगध विश्वविद्यालय, बोधगया

मो०- 8002497555

श्री गीरव

बी.आर.ए.बी.यू. मुजफ्फरपुर

मो०- 9123469271

पत्रांक.....

दिनांक.....

निर्धारित किया गया था जिससे हम कर्मी दुःख है तथा आर्थिक क्षति को झेल रहे है जो न्यायसंगत नहीं है।

- माननीय उच्च न्यायालय द्वारा पारित न्यायादेश के आलोक में शिक्षा विभाग बिहार सरकार द्वारा अपने संकल्प संख्या 15/डी0 1-01/096 अंश 11-73 पटना दिनांक 09.01.2009 द्वारा विभागीय संकल्प संख्या 2693 दिनांक 27.06.2010 में संसोधित करते हुए हम कर्मियों को राज्य सरकार के भाति ग्रेड पे दिया गया जिससे हवी वेतन पुनरीक्षण में सुधार तो हुआ किन्तु पंचम वेतनमान में उक्त संकल्प के संशोधन न होने के कारण सुधार नहीं हो पाया।

अतः अनुरोध है कि उपर्युक्त सरकारी संकल्प को विश्वविद्यालय चतुर्थ वर्गीय कर्मियों के लिए समान रूप से प्रभावी करने की कृपा की जाय।

इसके लिए बिहार के विश्वविद्यालयों के सभी प्रभावित चतुर्थ वर्गीय कर्मी आपके सदैव अमारी रहेंगे।

भवदीय



शंकर यादव

अध्यक्ष

सेवां म.

श्रीमान प्रधानसचिव महोदय,

शिक्षा विभाग बिहार पटना।

विषय:- चतुर्थ वर्गीय कर्मियों के वेतन मान में उत्पन्न विसंगति का निवारण करने के संबंध में।

महोदय,

उपर्युक्त विषय की ओर आपका ध्यान आकृष्ट करते हुए निम्नलिखित तथ्य आपके अवलोकार्थ एवं आवश्यक कार्यार्थ प्रेषित कर रहा हूँ:-

1. यह कि शिक्षा विभाग के पत्रांक 123/सी दिनांक 25/02/1987 के अनुसार विश्वविद्यालय कर्मियों को राज्य कर्मियों के समकक्ष वेतनमान देय है।(अनुलग्नक-1)

2. यह कि माननीय सर्वोच्च न्यायालय के सिविल अपील सं 516/2013 में दिनांक 18/01/2013 एवं माननीय उच्च न्यायालय पटना के सी०डब्ल्यू० जे०सी० सं० - 12502/1993 में दिनांक 24/09/1996 को पारित न्यायादेश इस संबंध में अवलोकनीय एवं अनुपालनीय है।(अनुलग्नक- 2 &3)

3. यह कि पंचम वेतनमान में विश्वविद्यालय के चतुर्थ वर्गीय कर्मियों के लिए उच्च शिक्षा विभाग का संकल्प ज्ञापांक 15 एम० - 120/99 19/2 दिनांक 12/10/2004 दिनांक 12.10.2004 द्वारा रु 2550-3200 को मूल कोटि वेतनमान स्वीकृत किया गया था। उक्त वेतनमान राज्य के चतुर्थ वर्गीय कर्मियों के लिए भी स्वीकृत था जिसे बिहार सरकार वित्त विभाग के संकल्प ज्ञापांक 3 ए०-2-वै-कु० 01/2016-3912/वि० दिनांक 12/05/2016 की कण्डिका 6.(1)-(VI) पर लिए गए निर्णय को केवल राज्य के चतुर्थ वर्गीय कर्मियों के लिए लागू किया गया है एवं विश्वविद्यालय चतुर्थवर्गीय कर्मियों के लिए आज तक प्रभावी नहीं किया गया। (अनुलग्नक - 4)

4. यह है कि वित्त विभाग ने अपने अधिसूचना संख्या-3ए-2-5-वै०-028/99 दिनांक 23/03/06 द्वारा निर्गत ए०सी०पी०(संशोधन) नियमावली 2006 सरकार के कर्मियों के लिए लागू कर दिया गया है कि विश्वविद्यालय के चतुर्थ वर्गीय कर्मियों के लिए प्रभावी नहीं किया गया है जिससे ए०सी०पी० के तहत विश्वविद्यालय के चतुर्थ वर्गीय कर्मियों के निर्धारित पंचम वेतन में विसंगति उत्पन्न हुई है।

5. यह कि उपर्युक्त संकल्प को विश्वविद्यालय चतुर्थ वर्गीय कर्मियों के लिए लागू नहीं होने के कारण 5वीं, 6वीं एवं 7वीं वेतन पुनरीक्षण में प्राप्त वेतन राज्य चतुर्थ वर्गीय कर्मियों से कमतर निर्धारित किया गया था जिससे हम कर्मी क्षुब्ध हैं तथा आर्थिक क्षति को झेल रहे हैं जो न्यायसंगत नहीं है।

6. माननीय उच्च न्यायालय द्वारा पारित न्यायादेश के आलोक में शिक्षा विभाग बिहार सरकार द्वारा अपने संकल्प संख्या 15/डी० 1-01/09 अंश 11- 73 पटना दिनांक 09.01.2019 द्वारा विभागीय संकल्प संख्या 2693 दिनांक 27.06.2010 में संसोधित करते हुए हम कर्मियों को राज्य सरकार के भाति ग्रेड पे दिया गया जिससे 6 वी वेतन पुनरीक्षण में सुधार तो हुआ किन्तु पंचम वेतनमान में उक्त संकल्प के संशोधन न हाने के कारण सुधार नहीं हो पाया।

उपर्युक्त वित्त विभाग के संकल्प दिनांक 12/05/16 के साथ राज्य सरकारके चतुर्थ वर्गीय कर्मियों के लिए लागू अद्यतन ए०सी०पी० संशोधन नियमावली 2006 को विश्वविद्यालय चतुर्थ वर्गीय कर्मियों के लिए समान रूप से प्रभावी करने की कृपा की जाय।

अतः अनुरोध है कि उपर्युक्त सरकारी संकल्प को विश्वविद्यालय चतुर्थ वर्गीय कर्मियों के लिए समान रूप से प्रभावी करने की कृपा की जाय।

इसके लिए बिहार के विश्वविद्यालयों के सभी प्रभावित चतुर्थ वर्गीय कर्मी आपके सदैव आभारी रहेंगे।

(हस्ताक्षर)

अनुसूचित: 2/2/2020। (5) श्रीमान...
डी०अप०... बिहार विश्वविद्यालय, मधुबनी।

विश्वासभाजन

- ① लक्ष्मण शिशोर चौधरी
- ② राम कुमार
- ③ शंका 2 सहाय
- ④ श्री/श्रीमती
- ⑤ श्रीकेश कुमार शर्मा
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सेवा में,

श्रीमान् प्रधानसचिव महोदय,
शिक्षा विभाग बिहार, पटना।

विषय :- चतुर्थ वर्गीय कर्मियों के वेतनमान में उत्पन्न विसंगति का निवारण करने के संबंध में।

सहोदय,

उपर्युक्त विषय की ओर आपका ध्यान आकृष्ट करते हुए निम्नलिखित तथ्य आपके अवलोकनार्थ एवं आवश्यक कार्यार्थ प्रेषित कर रहा हूँ :-

1. यह कि शिक्षा विभाग के पत्रांक 123/सी दिनांक 25.02.1987 के अनुसार विश्वविद्यालय कर्मियों को राज्य कर्मियों के समकक्ष वेतनमान देय है। (A-1)
2. यह कि माननीय सर्वोच्च न्यायालय के सिविल अपील सं० 516/2013 में दिनांक 18.01.2013 एवं माननीय उच्च न्यायालय पटना के सी०डब्लू०जे०सी०सं०-12502/1993 में दिनांक 24.09.1996 को पारित न्यायादेश इस संबंध में अवलोकनीय एवं अनुपालनीय है। (A/2& 3)
3. यह कि पंचम वेतनमान में विश्वविद्यालय के चतुर्थ वर्गीय कर्मियों के लिए उच्च शिक्षा विभाग का संकल्प ज्ञापांक 15 एम०-120/99 1572 दिनांक 12.10.2004 दिनांक 12.10.2004 द्वारा रू० 2550-3200 को मूल कोटि वेतनमान स्वीकृत किया गया था। उक्त वेतनमान राज्य के चतुर्थ वर्गीय कर्मियों के लिए भी स्वीकृत था जिसे बिहार सरकार के संकल्प वित्त विभाग के संकल्प ज्ञापांक 3ए०-2-वे-पु० 01/2016-3972/बि० दिनांक 12.05.2016 की कण्डिका 6 (1)-(VI) पर लिए गए निर्णय को केवल राज्य के चतुर्थ वर्गीय कर्मियों के लिए लागू किया गया है एवं विश्वविद्यालय चतुर्थवर्गीय कर्मियों के लिए आज तक प्रभावी नहीं किया गया। (अनुलग्नक-4)।
4. उपर्युक्त पत्रांक 1231 सी० दिनांक 25.02.1987 के आलोक में ल०ना० मिथिला विश्वविद्यालय, दरभंगा के तत्कालीन कुलपति महोदय ने विश्वविद्यालय कार्यालय आदेश ज्ञापांक 6510-603/16 दिनांक 29.09.2011 के द्वारा बिहार सरकार 3 ए०-2-वे०पु० 02/2011-3937 दिनांक 31.03.2011 तथा बिहार सरकार वित्त विभाग का सकल ज्ञापांक - 3ए०-2-वे०पु०-07/2016-3972/बि० दिनांक 12.05.2016 द्वारा प्रदत्त लाभ मिला था।

5. राज्यपाल सचिवालय, राजभवन पटना के ज्ञापांक बी0एस0यू0 41/2013-429/रा0स0 दिनांक 04.03.2014 के द्वारा प्रस्थापित परिनियम की पृष्ठ सं0-3 के बिन्दु-4 एवं 4 (II) के प्रावधानों

"भविष्य में राजकीय संकल्पों के द्वारा संशोधित किये गये वेतनमान के अनुरूप उपर्युक्त विवरणी संलग्न परिशिष्ट -1 एवं 2 निदिष्ट वेतनमान एवं संशोधित समझा जायेगा।"

6. यह कि उपर्युक्त संकल्प को विश्वविद्यालय चतुर्थ वर्गीय कर्मियों के लिए लागू नहीं होने के कारण 5वीं, 6वीं एवं 7वीं वेतन पुनरीक्षण में प्राप्त वेतन राज्य चतुर्थ वर्गीय कर्मियों से कमतर निर्धारित किया गया था जिससे हम कर्मी क्षुब्ध है तथा आर्थिक क्षति को झेल रहे है जो न्यायसंगत नहीं है।

7. माननीय उच्च न्यायालय द्वारा पारित न्यायादेश के आलोक में शिक्षा विभाग बिहार सरकार द्वारा अपने संकल्प संख्या 15/डी0 1-01/096 अंश 11-73 पटना दिनांक 09. 01.2009 द्वारा विभागीय संकल्प संख्या 2693 दिनांक 27.06.2010 में संशोधित करते हुए हम कर्मियों को राज्य सरकार के भांति ग्रेड पे दिया गया जिससे 6वीं वेतन पुनरीक्षण में सुधार तो हुआ किन्तु पंचम वेतनमान में उक्त संकल्प के संशोधन न होने के कारण सुधार नहीं हो पाया।

अतः अनुरोध है कि उपर्युक्त सरकारी संकल्प को विश्वविद्यालय चतुर्थ वर्गीय कर्मियों के लिए समान रूप से प्रभावी करने की कृपा की जाय।

इसके लिए बिहार के विश्वविद्यालयों के सभी प्रभावित चतुर्थ वर्गीय कर्मी आपके सदैव अभारी रहेंगे।

- विश्वासभाजन
ल. ग. सि. विश्वविद्यालय, दरभंगा कर्मच
- | | |
|--|--|
| <p>(12) राम पूजन शर्मा</p> <p>(13) रती मोहन लाल पास</p> <p>(14) जी. री. लाल पास</p> <p>15 राम चन्द्र मिश्र</p> <p>16) नरेश शर्मा</p> <p>17. श. शं. सेवक भारती</p> <p>18- Arun Kumar Mishra</p> <p>19. शं. शं. सेवक पास</p> <p>20. राम सेवक पास</p> <p>(21) मीन, पाठक पास</p> | <p>① प्रेम चन्द्र प्रसाद</p> <p>② विरेन्द्र कुमार सिंह</p> <p>③ अणन कुमार राय</p> <p>④ इन्द्रकान्त पास</p> <p>⑤ लालि च. नाथपाण पास</p> <p>⑥ मुनील कुमार पास</p> <p>⑦ मि. मि. शं. शं. पास</p> <p>⑧ पवन कुमार पास</p> <p>⑨ सुभा पास</p> <p>(10) खंजी एन</p> <p>(11) राजेंद्र पास</p> |
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बिहार सरकार
वित्त विभाग
संकल्प

पटना, दिनांक : _____

विषय :- चतुर्थवर्गीय कर्मचारियों के वेतनमान संशोधन के संबंध में ।

वित्त विभागीय संकल्प सं० -5981, दिनांक 17.08.2007 द्वारा चतुर्थवर्गीय कर्मियों के संदर्भ में यह निर्णय लिया गया था कि वेसे चतुर्थवर्गीय कर्मी जिनका मूल वेतन बिनांक- 31.12.1995 को ₹1030/- तक है उनका वेतन ₹2810-3540/- एवं जिनका ₹1030/- से अधिक है उनका वेतन 2650-4000/- के वेतनमान में दिनांक 01.01.1996 से निर्धारित किया जाएगा ।

2. उक्त निर्णय के फलस्वरूप जिन चतुर्थवर्गीय कर्मियों का वेतन निर्धारण ₹2810-3540/- अथवा ₹2650-4000/- के वेतनमान में किया गया है, उनके लिए वह मूल कोटि का प्रतिस्थापी वेतनमान हुआ, क्योंकि दिनांक 01.01.1996 से पूर्व लागू प्रवर कोटि एवं कालवद्ध प्रोन्नति योजना दिनांक 01.01.1996 से समाप्त हो गई तथा सभी कर्मियों का पुनरीक्षित वेतनमान में वेतन निर्धारण मूल कोटि के वेतनमान में करने का निर्णय लिया गया था ।

3. केन्द्रीय वेतनमान लागू करते समय राज्य सरकार द्वारा यह निर्णय लिया गया था कि राज्य कर्मियों का वेतन एवं वेतन निर्धारण की पद्धति वही होगी, जो केन्द्र सरकार द्वारा लागू किया जायेगा । केन्द्र सरकार द्वारा दिनांक 01.01.1996 से लागू वेतनमान में चतुर्थवर्गीय कर्मियों के लिए वेतन श्रृंखला निम्नरूपेण रही है:-

2550-3200

2610-4000 - 1st ACP

2750-4400 - 2nd ACP (Non matric)

3050-4590 - 2nd ACP (Matriculate)

4. वित्त विभागीय पत्रांक 712 दिनांक 25.01.2008 द्वारा यह निर्णय लिया गया कि जिन चतुर्थवर्गीय कर्मियों के लिए ₹2610-3540/- या ₹2650-4000/- के वेतनमान में वेतन निर्धारण हुआ है, उन्हें प्रथम वितीय उन्नयन प्राप्त हुआ माना जाएगा तथा 09.08.1999 या उसके बाद 24 वर्षों की सेवा पूरी होने पर केवल एक वितीय उन्नयन (द्वितीय वितीय उन्नयन) वेतनमान ₹2750-4400/- में अनुमान्य होगा। प्रथम ए०सी०पी० अनुमान्य नहीं होने के उक्त निर्णय के फलस्वरूप इन कर्मियों को ए०सी०पी० के लाभ से वंचित होना पड़ा है।

उपर्युक्त परिपेक्ष्य में विभिन्न कर्मचारी संघों द्वारा केन्द्रीय वेतनमान के अनुरूप उच्चतर वेतनमान की मांग की जाती रही है ।

5. उक्त के आलोक में राज्य सरकार के समक्ष दिनांक-01/01/1996 के प्रभाव से चतुर्थवर्गीय कर्मचारियों के वेतनमान के संशोधन का विषय विचाराधीन है।

f. सम्बन्ध विचारोपरान्त निर्णय लिया जाता है कि-

- (i) दिनांक-31.12.95 को ₹1030/- तक वेतन प्राप्त कर रहे कर्मियों के लिए अपुनरीक्षित वेतनमान ₹2550-3200/- के बदले दिनांक-01.01.98 के प्रभाव से वेतनमान ₹2610-4000/- (मूल कोटि) संशोधित हो जायेगा। उसी प्रकार दिनांक-31.12.1995 को 1030/- से अधिक वेतन प्राप्त कर रहे कर्मियों के लिए मूल कोटि का वेतनमान 2650-4000/- के रूप में संशोधित हो जाएगा।
- (ii) समूह 'घ' के वैसे कर्मियों, जो दिनांक-01.01.1998 के प्रभाव से ₹2610-3540/- का वेतनमान प्राप्त कर रहे थे, उन्हें उक्त तिथि से वेतनमान ₹2610-4000/- अनुमान्य होगा।
- (iii) उक्त स्थिति में उपरोक्त वर्णित समूह 'घ' कर्मियों का पूर्व में प्राप्त प्रथम वित्तीय उन्नयन वेतनमान ₹2750-4400/- में एवं द्वितीय वित्तीय उन्नयन वेतनमान ₹3050-4590/- में बिना किसी निर्धारण लाभ के परिवर्तित हो जाएगा। दिनांक 01.01.2006 से उक्त प्रथम ACP तथा द्वितीय ACP वेतनमानों का पुनरीक्षण क्रमशः 1900/- तथा ₹2000/- के ग्रेड-पे में किया जावेगा, किन्तु जो पूर्व में ₹2750-4400/- में द्वितीय वित्तीय उन्नयन प्राप्त होने के कारण पुनरीक्षित वेतनमान PB-1+2400/- एवं तृतीय वित्तीय उन्नयन ₹2800 ग्रेड पे प्राप्त कर रहे हैं उन्हें इस संशोधन का लाभ अनुमान्य नहीं होगा, क्योंकि वे दिनांक 01.01.2006 से ही उच्चतर ग्रेड पे का लाभ प्राप्त कर रहे हैं। यदि वे अपना विकल्प देते हैं कि वे अपुनरीक्षित वेतनमान 2750-4400/- एवं ₹3050-4590/- में वेतन निर्धारण चाहते हैं तो इन वेतनमानों का दिनांक 01.01.2006 के प्रभाव से पुनरीक्षित वेतनमान क्रमशः PB-1+1900/- एवं PB-1+2000/- निर्धारित होगा तथा इन्हें तृतीय रूपांतरित वित्तीय उन्नयन PB-1+2400/- में प्राप्त होगा और यदि पूर्व में उनके द्वारा कोई राशि अधिक ली गई है तो वह वसूलनीय नहीं होगी।
- (iv) दिनांक- 01.01.2006 से मूलकोटि के वेतनमान ₹2610-4000/- का पुनरीक्षण PB-1+1800/- में किया जायेगा। अतः प्रथम ACP/MACP, द्वितीय ACP/MACP तथा तृतीय MACP क्रमशः ₹1900, 2000 तथा 2400 के ग्रेड पे में स्वीकृत किया जा सकेगा।
- (v) समूह 'घ' के कार्यालय परिचारी जिनकी प्रोन्नति क्रमशः दफ्तरी, अभिलेखागार एवं ट्रेजरी सरकार के पद पर हुई है, प्रोन्नति के फलस्वरूप ऐसे पदधारकों को पूर्व की तरह क्रमशः ग्रेड पे ₹1900, 2000 तथा 2400 अनुमान्य होगा। उक्त पदों में से किसी भी पद पर मौलिक रूप से नियुक्त होने की स्थिति में कर्मियों को मूल कोटि का ही वेतनमान यथा अपुनरीक्षित ₹2610-4000 अथवा पुनरीक्षित PB-1+1800/- में अनुमान्य होगा तथा तदनुसार उच्चतर ग्रेड पे में ACP/MACP अनुमान्य होगा।

(vi) दिनांक-01.01.1998 के उपरांत नियुक्त कर्मी के लिए पूर्ववत व्यवस्था रहेगी। तदनुसार उनका दिनांक-01.01.2006 के प्रभावी वेतनमान की श्रृंखला में वेतन पुनरीक्षण ₹1800/- ग्रेड-पे में किया जाएगा तथा प्रथम, द्वितीय एवं तृतीय ACP/MACP क्रमशः ₹1800/-, ₹2000/- तथा ₹2400/- के ग्रेड पे में अनुमान्य होगा।

7. पूर्व के निर्गत आदेश इस हद तक स्वतः संशोधित हो जाएंगे। उक्त संशोधित प्रावधान का वैचारिक लाभ दिनांक-01.01.1998 से प्रभावी होगा तथा वास्तविक लाभ दिनांक-01.04.2007 से अनुमान्य होगा।

बिहार राज्यपाल के आदेश से

ह0/-

(राहुल सिंह)

सचिव (व्यय), वित्त विभाग

ज्ञापांक- 3ए-2-वे०पु०-07/2016-...../वि०

पटना, दिनांक-.....

प्रतिलिपि- महालेखाकार (ले० एवं हक०) का कार्यालय, वीरचंद पटेल पथ, पटना, बिहार को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

ह0/-

(राहुल सिंह)

सचिव (व्यय), वित्त विभाग।

ज्ञापांक- 3ए-2-वे०पु०-07/2016-...../वि०

पटना, दिनांक-.....

प्रतिलिपि- महानिबंधक, उच्च न्यायालय, पटना/सचिव, बिहार विधान सभा/सचिव, बिहार विधान परिषद, बिहार को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

ह0/-

(राहुल सिंह)

सचिव (व्यय), वित्त विभाग।

ज्ञापांक- 3ए-2-वे०पु०-07/2016-³⁹⁷²/वि०

पटना, दिनांक-^{12/5/16}

प्रतिलिपि- सभी प्रधान सचिव/सभी सचिव/ सभी प्रमंडलीय आयुक्त/सभी जिला पदाधिकारी / सभी कोषागार पदाधिकारी / सभी जिला लेखा पदाधिकारी / अवर सचिव, वेतन निर्धारण प्रशाखा / प्रभारी पदाधिकारी, वित्त (वैयक्तिक दावा निर्धारण कोषांग) विभाग / सिस्टम एनालिस्ट (वित्त विभाग के बेवसाईट पर अपलोड करने हेतु) / प्रभारी ई-गजट शाखा, वित्त विभाग, बिहार, पटना को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

(राहुल सिंह)

सचिव (व्यय), वित्त विभाग।

* ANN-8 * 45

संकेत- 37-2-वे०पु०-06/2017-9025/वि०

बिहार सरकार

वित्त विभाग

संकल्प

पत्र, दिनांक :- 20/11/2017

विषय:- विभिन्न कार्यालयों में कार्यरत मजदूर/नियमित मजदूर के लिए दिनांक-01/01/2016 के प्रभाव से पुनरीकृत वेतन संरचना में वेतन मैट्रिक के अनुरूप नया वेतन स्तर (-1) की अनुमति के संबंध में।

वित्त विभाग के संकल्प सं०-630, दिनांक-21/01/2010 के द्वारा कार्यालय परिसर (समूह 'घ') के लिए मूल कोटि का वेतनमान IS (4440-7440) एवं ग्रेड पे-1300/- की स्वीकृति प्रदान की गई है।

2. वेतन विसंगतियों पर विचार करने हेतु गठित उच्चस्तरीय समिति द्वारा केन्द्रीय प्रत्यक्ष के आलेख में की गई अनुमति पर वित्त विभागीय संकल्प सं०-2937, दिनांक-31/03/2011 द्वारा कार्यालय परिसर (समूह 'घ') के लिए वेतनमान IS (4440-7440) एवं ग्रेड पे-1300/- को संशोधित करते हुए पे बैंड-1(5200-20200) एवं ग्रेड पे-1800/- की स्वीकृति प्रदान की गई।

3. इस वित्त विभागीय संकल्प सं०-2937, दिनांक-31/03/2011 के द्वारा पे बैंड-1(5200-20200) एवं ग्रेड पे-1800/- की अनुमति के लिए अग्रलिखित तथ्य रखा गया:- (i) दसवीं उर्तीब समूह 'घ' के कर्मियों को वेतन बैंड-1 एवं ग्रेड पे-1800/- रुपये अनुमान होगा तथा प्रतिक्षण प्रदान किया जाएगा। (ii) दसवीं अनुर्तीब (न-मैट्रिक) समूह 'घ' के कर्मियों को पे बैंड-1S, ग्रेड पे-1650/- रुपये अनुमान होगा। इन्हें पे बैंड-1 एवं ग्रेड पे-1800/- रुपये एवं वेतनवृद्धि की स्वीकृति प्रतिक्षणोपरंत को जाएगी। (iii) भविष्य में इस समूह 'घ' के पर की नियुक्ति की शैक्षणिक योग्यता दसवीं उर्तीब होगी। अर्थात् दिनांक-01/01/2006 के बाद नियुक्ति की शैक्षणिक योग्यता दसवीं उर्तीब होगी और इससे नून योग्यताधारी से इस पर पर नियुक्ति नहीं होगी। वैसे कर्मियों जो दसवीं उर्तीब नहीं थे, उनके प्रतिष्ठित होने पर पी०बी०-1+1800/- अनुमान है।

4. वर्तमान में राज्य सरकार द्वारा केन्द्र के अनुरूप वित्त विभागीय संकल्प संख्या-3590, दिनांक-24/05/2017 के द्वारा दिनांक-01/01/2016 के प्रभाव से पे मैट्रिक्स आधारित न्यूनतम वेतन स्तर-1 (ग्रेड पे-1800/-) की स्वीकृति दी गई है।

5. कतिपय कार्यालयों में यथा उच्च न्यायालय, पटना, में उपर्युक्त शैक्षणिक योग्यता से भिन्न इस कोटि के कर्मी कार्यरत है, तथा उन्हें IS (4440-7440) एवं ग्रेड पे-1300/- के वेतनमान में वेतन लाभ दिया जा रहा है। उसी प्रकार गृह (काग) विभाग में भी इस वेतन संरचना में दैनिक वेतन भोगी कर्मी कार्यरत है। यह वेतन संरचना अब राज्य सरकार में विद्यमान नहीं है तथा वित्त विभागीय संकल्प सं०-2937, दिनांक-31/03/2011 द्वारा स्वीकृत न्यूनतम वेतनमान से न्यून होने के कारण पुनरीक्षित पे मैट्रिक्स में प्रतिस्थानी वेतन स्तर की स्वीकृति नहीं दी गई है।

7. इन कार्यालयों द्वारा मजदूर/नियमित मजदूर के लिए उनकी स्थापना में स्वीकृत वेतनमान IS (4440-7440) ग्रेड पे-1300/- को पी०बी०-1-1800/- के आधार पर पुनरीक्षित पे मैट्रिक्स में वेतन स्तर के निर्धारण का अनुरोध किया गया है। नियुक्ति की सम्पन्न शैक्षणिक योग्यता मैट्रिक उत्तीर्णता के अभाव में पी०बी०-1 एवं ग्रेड पे-1800/- का पुनरीक्षित वेतन स्तर अनुमान्य किया जाना संगत नहीं है। फलतः ऐसे कर्मियों के वेतनमान IS (4440-7440) ग्रेड पे-1300/- के लिए पुनरीक्षित पे मैट्रिक्स में स्वीकृत न्यूनतम वेतन स्तर से न्यून एक नया वेतन स्तर की स्वीकृति का विषय राज्य सरकार के सम्पन्न विचारधीन था।

8. सम्पन्न विचारोपरान्त निर्णय लिया जाता है कि-

- (i) राज्य सरकार के द्वारा विहित शैक्षणिक योग्यता से न्यून योग्यता वाले कर्मियों की किसी दशा में नियुक्ति नहीं की जाए।
- (ii) (ii) राज्य सरकार के द्वारा विहित शैक्षणिक योग्यता से भिन्न नियुक्त मजदूर/नियमित मजदूरों के वेतनमान IS (4440-7440) ग्रेड पे-1300/- के लिए वैकल्पिक व्यवस्था के तहत पुनरीक्षित वेतन संरचना में वेतन मैट्रिक्स के अन्तर्गत निम्नवत् नया वेतन स्तर (-1) अनुमान्य किया जाता है:-

| | |
|-----------|-----------|
| PAY BAND | 4440-7440 |
| ENTRY PAY | 1300 |
| LEVEL | (- 1) |
| 1 | 14800 |
| 2 | 15200 |

| | |
|----|-------|
| 3 | 15700 |
| 4 | 16200 |
| 5 | 16700 |
| 6 | 17200 |
| 7 | 17700 |
| 8 | 18200 |
| 9 | 18700 |
| 10 | 19300 |
| 11 | 19900 |
| 12 | 20500 |
| 13 | 21100 |
| 14 | 21700 |
| 15 | 22300 |
| 16 | 23000 |
| 17 | 23700 |
| 18 | 24400 |
| 19 | 25100 |
| 20 | 25900 |
| 21 | 26700 |
| 22 | 27500 |
| 23 | 28300 |
| 24 | 29100 |
| 25 | 30000 |
| 26 | 30900 |
| 27 | 31800 |
| 28 | 32800 |
| 29 | 33800 |
| 30 | 34800 |
| 31 | 35800 |
| 32 | 36900 |
| 33 | 38000 |
| 34 | 39100 |
| 35 | 40300 |

बिहार राज्यपाल के आदेश से
हस्ताक्षर/-

(गणेश सिंह)
सचिव (व्यय), वित्त विभाग

क.प.स.

3A/ Majdani, Varanasi

ज्ञापक- 3ए-2-वे०पु०-06/2017-9025/वि०

पटना, दिनांक-20/11/2017

प्रतिलिपि- महालेखाका (ले० एवं इक०) का कार्यालय, वीरचंद पटेल पथ, पटना, बिहार को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

ह०/-

(राहुल सिंह)

सचिव (व्यय), वित्त विभाग।

ज्ञापक- 3ए-2-वे०पु०-06/2017-9025/वि०

पटना, दिनांक-20/11/2017

प्रतिलिपि- महानिबंधक, उच्च न्यायालय, पटना / सचिव, बिहार विधान सभा/सचिव, बिहार विधान परिषद्, बिहार को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

ह०/-

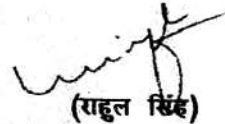
(राहुल सिंह)

सचिव (व्यय), वित्त विभाग।

ज्ञापक- 3ए-2-वे०पु०-06/2017-9025/वि०

पटना, दिनांक-20/11/2017

प्रतिलिपि- सभी प्रधान सचिव/सभी सचिव/ सभी प्रमंडलीय आयुक्त/सभी जिला पदाधिकारी/सभी कोषागार पदाधिकारी / सभी जिला लेखा पदाधिकारी / प्रभारी पदाधिकारी, वित्त (वै०दा०नि०को०) विभाग /अवर सचिव, वेतन निर्धारण प्रशाखा / सिस्टम एनालिस्ट / प्रभारी ई-गजट शाखा, वित्त विभाग, बिहार, पटना को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।


(राहुल सिंह)

सचिव (व्यय), वित्त विभाग।

विषय:- राज्य के विश्वविद्यालय/महाविद्यालय समूह "घ" के कर्मियों के संशोधित वेतन संरचना की स्वीकृति प्रदान करने के संबंध में।

राज्य के विश्वविद्यालयों/महाविद्यालयों (घाटानुदानित एवं अल्पसंख्यक सहित) के शिक्षक/शिक्षक/शिक्षक के कर्मियों को शिक्षा विभाग के संकल्प संख्या 2693 दिनांक 27.08.2010 द्वारा राज्य सरकार के कर्मियों के सदृश्य वेतन पुनरीक्षण का लाभ प्रदान किया गया है।

2. राज्य के विश्वविद्यालयों/महाविद्यालयों के शिक्षक/शिक्षक/शिक्षक के कर्मियों के वेतन पुनरीक्षण के लिए विभागीय स्तर से निर्गत संकल्पों में अंकित वेतनमान की विसंगतियों पर विचार किए जाने हेतु वित्त विभागीय संकल्प सं० 5972, दिनांक 07.08.18 द्वारा श्री सुनिल कुमार सिंह, अध्यक्ष-सह-सदस्य, राजस्व पर्वद की अध्यक्षता में एक समिति का गठन किया गया।

3. वेतन विसंगति निराकरण समिति द्वारा राज्य सरकार के समूह "घ" के कर्मियों के समतुल्य वेतन संरचना का लाभ राज्य के विश्वविद्यालयों/महाविद्यालयों के समूह "घ" के कर्मियों को भी दिए जाने की अनुशंसा की गई है।

4. वेतन विसंगति निराकरण समिति के अनुशंसा के आलोक में सम्यक् समीक्षोपरान्त राज्य सरकार द्वारा राज्य के विश्वविद्यालयों/महाविद्यालयों के समूह "घ" के कर्मियों को विभागीय संकल्प संख्या 2693 दिनांक 27.08.2010 द्वारा पूर्व में अनुमान्य किए गए वेतन संरचना को निम्नवत् संशोधित करने का निर्णय लिया गया है :-

(क) विश्वविद्यालयों/महाविद्यालयों के दसवीं उत्तीर्ण समूह "घ" के कर्मियों को वेतन बैंड 1 एवं ग्रेड पे० 1800 अनुमान्य होगा तथा इन्हें प्रशिक्षण प्रदान किया जाएगा।

(ख) विश्वविद्यालयों/महाविद्यालयों के दसवीं अनुत्तीर्ण समूह "घ" के कर्मियों को वेतन बैंड 1 एवं ग्रेड पे० 1650 अनुमान्य होगा। इन्हें पे० बैंड 1 एवं ग्रेड पे० 1800 एवं वेतन वृद्धि की स्वीकृति प्रशिक्षणोपरान्त दी जाएगी।

5. इस संशोधित वेतन संरचना की प्रभावी तिथि राज्य सरकार के अनुरूप दिनांक 01.01.2006 से नोशनल तथा दिनांक 01.04.2007 से वास्तविक आर्थिक लाभ सहित होगी।

6. प्रस्ताव पर मंत्रिपरिषद की स्वीकृति प्राप्त है।

7. संकल्प प्रारूप पर विभागीय अपर मु.अ. सचिव एवं आन्तरिक वित्तीय सलाहकार की सहमति प्राप्त है।

आदेश - आदेश दिया जाता है कि इस संकल्प को बिहार राजपत्र में जनसाधारण की सूचना हेतु अगले अंक में प्रकाशित किया जाए।

बिहार राज्यपाल के आदेश से

ह0/-

(सतीश चन्द्र झा)

सरकार के विशेष सचिव

ज्ञाप संख्या 15/डी 1-01/09 अंश II

पटना, दिनांक.....

प्रतिलिपि :- अवर सचिव, ई-गजट कोषांग, वित्त विभाग, बिहार को राजकीय गजट में प्रकाशित करने हेतु अनुरोध के साथ प्रेषित।

ह0/-

(सतीश चन्द्र झा)

सरकार के विशेष सचिव

ज्ञाप संख्या 15/डी 1-01/09 अंश II

पटना, दिनांक.....

प्रतिलिपि:- महालेखाकार, बिहार, पटना को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

ह0/-

(सतीश चन्द्र झा)

सरकार के विशेष सचिव

ज्ञाप संख्या 15/डी 1-01/09 अंश II - 73

पटना, दिनांक 09/01/19

प्रतिलिपि:- सचिव, विश्वविद्यालय, अनुदान आयोग, नई दिल्ली/श्री सुनील कुमार सिंह, अध्यक्ष-सह-सदस्य, राजस्व पर्वद, बिहार, पटना / प्रधान सचिव, राज्यपाल सचिवालय, राजभवन, पटना/माननीय विभागीय मंत्री के आप्त सचिव/प्रधान सचिव, मंत्रिमंडल सचिवालय विभाग/प्रधान सचिव, वित्त विभाग/ श्री सतीश चन्द्र झा, विशेष संचेव, शिक्षा विभाग/निदेशक, उच्च शिक्षा, शिक्षा विभाग, बिहार, पटना/ कुलपति/कुलसचिव/वित्त पदाधिकारी, राज्य के सभी विश्वविद्यालय/प्रशाखा पदाधिकारी 14 एवं 15 एवं आई0टी0 मैनेजर, शिक्षा विभाग को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।



(सतीश चन्द्र झा)

सरकार के विशेष सचिव

विद्यालयों/महाविद्यालयों के शिक्षक/शिक्षकेतर कर्मियों के वेतन निर्धारण के सत्यापन से संबंधित वेतन सत्यापन पत्र

श.कु. कुमार,
आदेशपाल, शिक्षकेतरकर्मि

एम0 पी0 सिन्हा साइंस कॉलेज, मुजफ्फरपुर

वेतन सत्यापन पत्र संख्या:
14072006025183
स्थायी

प्राप्ति संख्या :
090720060073

वेतन-निकासी हेतु प्राधिकृत पदाधिकारी
PVC/BRAU/NTECH/16/NTECH/2018/0001
शिक्षक/शिक्षकेतर कर्मियों हेतु वेतन सत्यापन पत्र वेतन निकासी हेतु प्राधिकृत पदाधिकारी को संबंधित कर्मियों के वेतन/अवकाश वेतन की निकासी हेतु प्राधिकृत किया जाता है।

वेतनमान : PB-01 5,200-20,200

वेतनवृद्धि की देय तिथि : 01-जुलाई

कुल पृष्ठ : 1

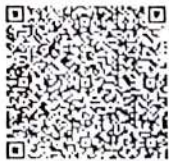
कुल कड़िका : 6

उपलब्ध उपार्जित अवकाश :

महत्वपूर्ण : यह वेतन सत्यापन पत्र कम्प्यूटरीकृत है और इसमें किसी प्रकार का सुधार मान्य नहीं है। इस वेतन सत्यापन पत्र के आधार पर वेतन निकासी, वेतन निकासी हेतु प्राधिकृत पदाधिकारी द्वारा ही की जाएगी। यह वेतन सत्यापन पत्र तभी तक अनुमान्य होगा जब तक कर्मियों वर्तमान पदस्थापन स्थल पर कार्यरत रहेंगे।

| | 1 | 2 | 3 | 4 | 5 | 6 | | |
|------------------------|---------|--------|--------|---------|--------|--------|--|--|
| तिथि से | 29/4/05 | 1/7/06 | 1/7/14 | 29/4/15 | 1/7/15 | 1/7/19 | | |
| मूल वेतन | 2,550 | 5,200 | 7,370 | 7,370 | 7,940 | 9,200 | | |
| श.को.ब. | 0 | 1,800 | 1,800 | 1,900 | 1,900 | 1,900 | | |
| मं.प. | 0 | 0 | 0 | 0 | 0 | 0 | | |
| चि.भ. | | | | | | | | |
| म.कि.भ. | | | | | | | | |
| ----- End Of Row ----- | | | | | | | | |

राशि शब्दों में :



वेतन सत्यापन पत्र निर्गत किया जाता है:

1. संबंधित वेतन निकासी हेतु प्राधिकृत पदाधिकारी

वेतन निकासी हेतु प्राधिकृत पदाधिकारी
वेतन सत्यापन पत्र संख्या : प्राप्ति संख्या :
14072006025183 090720060073
सेवा में,
प्रधानाचार्य

एम0 पी0 सिन्हा साइंस कॉलेज, मुजफ्फरपुर

अध्यक्ष/अनुमान्य भले देय, निर्गत वे0 भ0 पत्र में किसी प्रकार की विसंगति दृष्टिगोचर होने पर इसका अनुपालन स्थगित रखते हुये, वि0 वि0 द्वारा इसकी सूचना कोषांग को दी जाय। पद सेवा की निरंतरता की जाँच वि० वि० स्तर से कर ली जाए। पूर्व में निर्गत वेतन सत्यापन पत्र संख्या- 12011906021392 को दया हद तक संशोधित समझा जाएगा।

