

Anraj Devi vs Deepak Kumar on 8 January, 2025

Author: J.K. Maheshwari

Bench: Rajesh Bindal, J. K. Maheshwari

2025 INSC 64

1

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

CONTEMPT PETITION (C) NO. 465 OF 2019

IN
CIVIL APPEAL NO. 2703 OF 2017

ANRAJ DEVI

PETITIONER

VERSUS

DEEPAK KUMAR & ANR.

RESPONDENT(S)

ORDER

1. The petitioner in the present contempt petition is aggrieved by the alleged non-compliance of the order dated 31.08.2017 passed in Civil Appeal No. 2703 of 2017 and batch titled as “Krishna Nand Yadav & others Vs. Magadh University & others”.

2. Briefly put, the deceased husband of the petitioner was appointed as Store Keeper in K.S.M College, Aurangabad. The claim of the petitioner’s husband regarding absorption was allowed by Mr. Justice S.B. Sinha (Retd.) One Man Commission (hereinafter referred to as ‘J. Sinha Commission’) vide order 18:08:49 IST Reason:

dated 22.11.2015. The said order was confirmed by this Court vide order dated 31.08.2017 in Krishna Nand Yadav (supra), subject to furnishing declaration by the petitioner’s husband regarding continuously working and attending the college regularly since the date of appointment till date, or in case of retirement till the date of retirement and that her deceased husband did not work anywhere else. Vide notification dated 18.09.2018 of Magadh University, the petitioner’s husband was absorbed w.e.f. 10.12.1985.

3. It is submitted by the petitioner that after death of her husband, her family pension and post retiral benefits have not been settled, therefore, appropriate direction may be issued for such payments.

4. As per above discussions, in our view, it would be appropriate to direct the authorities to adjudicate all the said issues through Registrar/Vice Chancellor in view of the judgment of State of Bihar & others vs Bihar Rajya M.S.E.S.K.K.M & others (2005) 9 SCC 129 and accordingly, we dispose of this petition with the following directions:

(i) The petitioner may submit representation along with relevant documents setting up claim of arrears, if any, of family pension and post retiral benefits from the date of absorption upto February 28, 2025 before the Registrar/Vice Chancellor of the University.

(ii) On receiving the claim, a discrete enquiry be held affording due opportunity to the legal representatives of the employee, college concerned and the representative of the State if required, and a reasoned order be passed regarding payment of family pension and other retiral benefits, if any, within a period of three months thereafter.

(iii) The claim regarding family pension of petitioner which has been withheld be decided counting the period of service, w.e.f.

date of absorption notionally uninfluenced by the orders dated 11.07.2019, 07.08.2019 and 12.02.2021 passed in Contempt Petition (C) No. 1188 of 2018 in “Baidya Nath Choudhary Vs. Dr. Sree Surendra Kumar Singh”.

(iv) After adjudicating the issue of family pension and arrears, the same be paid adjusting the amount already paid as expeditiously as possible but not later than two months from the date of such order.

(v) In case the petitioner feels dissatisfied by the order of the Registrar/Vice Chancellor of the University, she shall be at liberty to take recourse as permissible before the High Court.

5. In view of the foregoing, the present contempt petition stands disposed of. Pending interlocutory application(s), if any, stands disposed of.

.....J. [J. K. MAHESHWARI]J. [RAJESH BINDAL]
New Delhi;

January 08, 2025.