

Jai Krishna Prasad Yadav vs Deepak Kumar on 8 January, 2025

Author: J.K. Maheshwari

Bench: Rajesh Bindal, J. K. Maheshwari

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2025 INSC 67

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

CONTEMPT PETITION (CIVIL) NO(S). OF 2025
[@ DIARY NO(S). 1408 OF 2021]
IN
CONTEMPT PETITION (C) NO. 1188 OF 2018
IN
CIVIL APPEAL NO. 2703 OF 2017

JAI KRISHNA PRASAD YADAV & ORS. PETITIONER(S)

VERSUS

DEEPAK KUMAR & ORS. RESPONDENT(S)

WITH

MISC. APPLICATION NO. 1182 OF 2019
IN
CONTEMPT PETITION (C) NO. 105 OF 2019
IN
CIVIL APPEAL NO. 2703 OF 2017

MAHENDRA PRASAD YADAV PETITIONER(S)

VERSUS

DEEPAK KUMAR & ORS. RESPONDENT(S)

WITH

CONTEMPT PETITION (CIVIL) NO. 636 OF 2019
IN
CIVIL APPEAL NO. 2703 OF 2017

AWADHESH KUMAR MISHRA PETITIONER(S)
Signature Not Verified

VERSUS

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NIDHI AHUJA

Date: 2025.01.10

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Reason:

DEEPAK KUMAR & ORS.

RESPONDENT(S)

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WITH

CONTEMPT PETITION (CIVIL) NO. 689 OF 2019

IN

CIVIL APPEAL NO. 2703 OF 2017

SUKRAM MAHTO

PETITIONER(S)

VERSUS

SUDHIR TRIPATHI & ORS.

RESPONDENT(S)

WITH

CONTEMPT PETITION (CIVIL) NO. 1082 OF 2019

IN

CIVIL APPEAL NO. 2703 OF 2017

PRADEEP KUMAR JHA AND ANR.

PETITIONER(S)

VERSUS

DEEPAK KUMAR & ORS.

RESPONDENT(S)

WITH

CONTEMPT PETITION (CIVIL) NO. 675 OF 2020

IN

CIVIL APPEAL NO. 2703 OF 2017

SHEELA DEVI

PETITIONER(S)

VERSUS

DEEPAK KUMAR & ORS.

RESPONDENT(S)

WITH

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CONTEMPT PETITION (CIVIL) NO(S). OF 2025

[@DIARY NO. 1370 OF 2021]

IN

CIVIL APPEAL NO. 2703 OF 2017

ABDUL GHAF00R (DECEASED)
THROUGH HIS LR SHAHIDA KHAT00N PETITIONER(S)

VERSUS

DEEPAK KUMAR & ORS. RESPONDENT(S)

WITH

CONTEMPT PETITION (CIVIL) NO(S). OF 2025
[@ DIARY NO(S). 1382 OF 2021]
IN
CONTEMPT PETITION (C) NO. 1755 OF 2018
IN
CIVIL APPEAL NO. 2703 OF 2017

SHAILENDRA KUMAR ISHWAR PETITIONER(S)

VERSUS

SUKHDEV SINGH & ORS. RESPONDENT(S)

WITH

CONTEMPT PETITION (CIVIL) NO. 14 OF 2022
IN
CIVIL APPEAL NO. 2703 OF 2017

RAVINDER KUMAR PETITIONER(S)

VERSUS

AMIR SUBHANI AND ORS. RESPONDENT(S)

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WITH

CONTEMPT PETITION (CIVIL) NO. 466 OF 2019
IN
CIVIL APPEAL NO. 2703 OF 2017

HARENDRA PRASAD SINGH PETITIONER(S)

VERSUS

DEEPAK KUMAR AND ORS. RESPONDENT(S)

WITH

CONTEMPT PETITION (CIVIL) NO. 684 OF 2019
IN
CIVIL APPEAL NO. 2703 OF 2017

RENUKA MISHRA

PETITIONER(S)

VERSUS

DEEPAK KUMAR & ORS.

RESPONDENT(S)

WITH

CONTEMPT PETITION (CIVIL) NO. 962 OF 2019
IN
CIVIL APPEAL NO. 2703 OF 2017

KRISHNADEV PRASAD YADAV

PETITIONER(S)

VERSUS

DEEPAK KUMAR AND ANR.

RESPONDENT(S)

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ORDER

1. The present petitions have been filed alleging non-compliance of the order dated 31.08.2017 passed by this Court in Civil Appeal No. 2703 of 2017 and batch titled as “Krishna Nand Yadav & others Vs. Magadh University & others”, whereby, this Court approved the order of Hon’ble Mr. Justice S.B. Sinha (Retd.) One Man Commission (hereinafter referred to as ‘J. Sinha Commission’), directing the State to comply with the order within a period of three months, subject to furnishing declaration of petitioner that he had been 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 he did not work anywhere else.

2. It is now the grievance of the petitioners that even after recommendation of J. Sinha Commission and orders passed in their favour, as accepted by this Court, the benefit of arrears of salary and pension have not been granted by the authorities in view of the orders passed in subsequent proceedings.

3. We have heard learned counsel for the parties and considered the submissions, in the facts, it is not in dispute that the petitioners in these contempt petitions were not party in Civil Appeal No. 2703 of 2017 and batch titled as Krishna Nand Yadav (supra). While the petitioners contend that during absorption period they have actually worked, the said fact has been disputed by the respondents in their counter affidavit, inter-alia, submitting that the arrears of salary of such period is not payable as they have not worked.

4. In this view of the matter and after perusal of the nature of the directions issued in Civil Appeal No. 2703 of 2017 and batch titled as Krishna Nand Yadav (supra), no specific direction in personam to petitioners regarding payment of salary and arrears have been issued. Further, considering the counter affidavit of the State and the tenor of the orders passed in subsequent proceedings in Contempt Petition (C) No. 1188 of 2018 titled as “Baidya Nath Choudhary Vs. Dr. Sree Surendra Kumar Singh”, we find that the issue regarding actual working of the petitioners, payment of salary and arrears thereof requires adjudication after fact-finding enquiry, which we are not inclined to hold in these Contempt Petitions. So far as stoppage of pension is concerned, we make it clear that in the orders dated 11.07.2019, 07.08.2019 and 12.02.2021, the issue regarding payment of pension was not an issue. These orders relate to the fact that the absorbed employees have received the salaries for the period in which they had not actually worked. Therefore, the Court directed for no further payment even for pension. It is not reported that affording opportunity enquiry has been completed, however, we do not deem it appropriate to keep these matters pending.

5. It is seen that in the case of the petitioners, the orders of absorption have been passed by the respective universities after the orders of J. Sinha Commission, hence, 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 these petitions with the following directions:

(i) The individual petitioner shall submit his claim along with relevant documents setting up his actual working in college in terms of the orders of absorption claiming salary, and also for pension from the date of absorption upto February 28, 2025 before the Registrar/Vice Chancellor of the University.

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

(iii) The claim regarding 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 (supra).

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

(v) Upon adjudication, if it is found that any excess amount has been paid either in the head of salary or pension, it be quantified and the university/college/state as the case may be, shall be at liberty to take recourse to recover the same following the procedure as prescribed.

(vi) We make it clear that if the employees have submitted the joint claim of arrears of salary and pension, in that event the issue of arrears of salary be governed by direction No. (ii) and pension be

governed by direction (iii).

(vii) In case, the parties feel dissatisfied by the orders of the Registrar/Vice Chancellor of the University, they shall be at liberty to take recourse as permissible before the High Court.

6. In view of the foregoing, the present contempt petitions stand disposed of. Pending interlocutory application(s), if any, stands disposed of.

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

January 08, 2025.