

# Dhirendra Kumar vs Deepak Kumar on 8 January, 2025

**Author: J.K. Maheshwari**

**Bench: Rajesh Bindal, J. K. Maheshwari**

2025 INSC 60

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IN THE SUPREME COURT OF INDIA  
INHERENT JURISDICTION

CONTEMPT PETITION (C) OF 2025  
[@DIARY NO. 20329 OF 2020]

IN

CIVIL APPEAL NO. 2703 OF 2017

DHIRENDRA KUMAR PETITIONER(S)

VERSUS

DEEPAK KUMAR & ORS. RESPONDENT(S)

WITH

CONTEMPT PETITION (C) OF 2025  
[@DIARY NO. 25623 OF 2020]

IN

CONTEMPT PETITION (C) NO. 1755 OF 2018

IN

CIVIL APPEAL NO. 2703 OF 2017

RANJEET SINGH PETITIONER(S)

VERSUS

SUKHDEV SINGH AND ORS. RESPONDENT(S)

WITH

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NIDHI AHUJA  
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CONTEMPT PETITION (C) NO. 377 OF 2019

IN

CIVIL APPEAL NO. 2703 OF 2017

ANIL KUMAR AND ORS.

PETITIONER(S)

VERSUS

DEEPAK KUMAR AND ORS.

RESPONDENT(S)

WITH

CONTEMPT PETITION (C) NO. OF 2025  
[@ DIARY NO. 25626 OF 2020]

IN

CONTEMPT PETITION (C) NO. 1755 OF 2018

IN

CIVIL APPEAL NO. 2703 OF 2017

D.N. UPADHYAY

PETITIONER(S)

VERSUS

SH. SUKHDEV SINGH & ORS.

RESPONDENT(S)

WITH

CONTEMPT PETITION (C) NO. 358 OF 2019

IN

CIVIL APPEAL NO. 2703 OF 2017

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DR. DHANANJAY KUMAR AND ORS.

PETITIONER(S)

VERSUS

SH. DEEPAK KUMAR AND ORS.

RESPONDENT(S)

WITH

CONTEMPT PETITION (C) NO. OF 2025  
[@ DIARY NO. 16177 OF 2020]

IN

CONTEMPT PETITION (C) NO. 117 OF 2019

IN

CIVIL APPEAL NO. 2703 OF 2017

ASHA KUMARI

PETITIONER(S)

VERSUS

SH. DEEPAK KUMAR AND ORS.

RESPONDENT(S)

WITH

CONTEMPT PETITION (C) NO. 378 OF 2019

IN

CIVIL APPEAL NO. 2703 OF 2017

MD. ABID ANSARI AND ORS.

PETITIONER(S)

VERSUS

SH. DEEPAK KUMAR AND ORS.

RESPONDENT(S)

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 a 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 decide 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 have 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