

## IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 2349 of 2023

Kajari Bala

... Petitioners

## Versus

1. The State of Jharkhand through the Principal Secretary, Department of Higher, Technical Education & Skill Development, Government of Jharkhand, 3<sup>rd</sup> Floor Yojna Bhawan, Nepal House, Doranda, Ranchi
2. The Director, Higher Education, Department of Higher, Technical Education & Skill Development, Government of Jharkhand, 3<sup>rd</sup> Floor Yojna Bhawan, Nepal House, Doranda, Ranchi
3. Vinoba Bhave University through the Registrar, Vinoba Bhave University, Vinoba Bhave University Road, Sindoor, Hazaribagh
4. The Vice Chancellor, Vinoba Bhave University, Vinoba Bhave University Road, Sindoor, Hazaribagh
5. The Registrar, Vinoba Bhave University, Vinoba Bhave University Road, Sindoor, Hazaribagh

... .. Respondents

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

For Petitioner	: Mr. Baibhaw Gahlaut, Advocate
For Respondent-State	: Ms. Shivani Kapoor, AC to SC-II
For Respondent-University	Mr. Amresh Kumar, Advocate
	Mr./Ms. M. Sahay, Advocate

**04/ 28.06.2023** The petitioner has approached this Court with a prayer for a direction upon the respondents to fix the pay of late Manohar Mahto (husband of the petitioner) in the scale of Rs.12000-420-18300 in place of Rs.10000-15200/- w.e.f. from 01.01.1996 in light of order dated 20.06.2017 passed in W.P.(S) No.4162/2013 and consequently, to pay arrears of salary and pensionary benefits along with interest @ 8 % and other consequential benefits accruing thereof.

2. At the very outset, Baibhaw Gahlaut, learned counsel for the petitioner submits that the issue involved in this writ petition has already been decided by this Hon'ble Court in **W.P.(S) No.4162/2013** vide order dated **20.06.2017**, which was affirmed up to the Hon'ble Division Bench of this Court in **LPA No. 22/2018** and the case of the petitioner is squarely covered by that order. Learned counsel for the petitioner further submits that this writ petition may also be disposed of in terms of the order passed in **W.P.(S) No.4162/2013**, granting similar benefits to late husband of the petitioner and consequently, to pay arrears of salary and pensionary benefits and other consequential benefits accruing thereof to the petitioner.

3. Though counter-affidavit has been filed by the respondents, however, learned counsel appearing on behalf of the respondents have no objection if this writ petition is disposed of in terms of the aforesaid case.

4. In view of fair submissions of the learned counsel for the parties and

considering the facts that similar issue has already been decided by this Court in **W.P.(S) No.4162/2013** with detailed order and since this writ petition is also covered by the said decision, the same is being disposed of in terms of orders passed therein.

5. Accordingly, in view of aforesaid judicial pronouncement, the case of the present petitioner should also be considered. The respondents are directed to take a decision in this regard and if the cases of the husband of the petitioner is found to be same and similar to that of petitioners in **W.P.(S) No.4162/2013**, similar relief may be granted to the late husband of the petitioner and thereafter, to pay arrears of salary and pensionary benefits and other consequential benefits accruing thereof to the petitioner, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. Needless to say that if the petitioner is not found entitled for the same, reasoned order shall be communicated to the petitioners, within a further period of two weeks.

7. Resultantly, the writ petition stands disposed of.

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

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