



2025 INSC 57

**IN THE SUPREME COURT OF INDIA**  
**INHERENT JURISDICTION**  
**CONTEMPT PETITION (C) NOS. 103-104 OF 2019**

IN

**CIVIL APPEAL NOS. 2788-2789 OF 2017**

**PREMSHILA KUER**

**PETITIONER**

**VERSUS**

**DR. AMRENDRA NARAYAN YADAV & ANR.**

**RESPONDENT(S)**

**ORDER**

1. The petitioner in the present Contempt Petitions 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 employee-Ayodhya Prasad (husband of petitioner herein) was appointed on the post of Lab In-charge in R.L.S.Y College. The claim of the employee regarding absorption was allowed by Mr. Justice S.B. Sinha (Retd.) One Man Commission (hereinafter referred to as **‘J. Sinha Commission’**) *vide* order dated 13.05.2016. The said order was approved by this Court *vide* order dated 31.08.2017 in **Krishna Nand Yadav (supra)**, subject to furnishing declaration by the employee 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 he did not work anywhere else.

3. The B.R. Ambedkar University, Bihar, *vide* order dated 18.09.2018 absorbed the deceased employee with effect from 13.05.2016. Since Ayodhya Prasad died on 09.02.2012 and date of absorption cannot be after the death of the employee, the University *vide* corrigendum dated 19.09.2018 changed the said date of absorption as 12.02.1990. By the said corrigendum, it was clarified that the period from the date of absorption till death would be counted as period spent on duty notionally for the purpose of retiral and other consequential benefits.

4. Later, the University attempted to change the date of absorption as 09.02.2012, the date of death of the employee, as against 12.02.1990. It was not accepted by the State Government, taking categorical stand in para 11 of the compliance affidavit filed in pursuance of the order of this Court dated 02.04.2019.

5. In view of the order of this Court, we are inclined to repel the arguments of the petitioner that the absorption of the deceased employee may be treated from the date of declaring the college as

constituent college. In view of foregoing, in our view, deceased Ayodhya Prasad be treated as absorbed with effect from 12.02.1990 and counting his service notionally, the petitioner is entitled for the salary of the deceased employee on which he had already worked and family pension and all consequential retiral benefits.

6. In view of the factual scenario of the matter, counter affidavit of the State and the tenor of orders passed in subsequent proceedings in Contempt Petition (C) No. 1188 of 2018 “Baidya Nath Choudhary Vs. Dr. Sree Surendra Kumar Singh”, we find that the issue regarding actual working of the deceased-employee, 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 family 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 family 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 family pension. It is not reported that affording opportunity, enquiry has been completed, however, we do not deem it appropriate to keep these matters pending.

7. 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 these petitions with the following directions:

- (i) The petitioner shall submit her claim along with relevant documents setting up actual working of the deceased employee in college in terms of the orders of absorption claiming salary, and also for family 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 petitioner, 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 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 “**Baidya Nath Choudhary (supra)**”.
- (iv) After adjudicating the issue of family 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 family 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 family pension, in that event the issue of arrears of

salary be governed by direction No. (ii) and family 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.

8. 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.**



**IN THE SUPREME COURT OF INDIA  
INHERENT JURISDICTION**

**CONTEMPT PETITION (C) NOS. 379-380 OF 2019**

**IN**

**CIVIL APPEAL NOS. 2788-2789 OF 2017**

**DINESH KUMAR SINGH AND ANR.**

**PETITIONER(S)**

**VERSUS**

**R. K. MAHAJAN AND ORS.**

**RESPONDENT(S)**

**ORDER**

1. The petitioners in the present Contempt Petitions are 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 petitioners were appointed on the posts of Peon in R.K. Dwarka College under Magadh University. It is alleged that their claims regarding absorption were allowed by Mr. Justice S.B. Sinha (Retd.) One Man Commission (hereinafter referred to as **‘J. Sinha Commission’**) vide order dated 05.05.2016 (modified on 24.06.2016). It is profitable to refer to the orders passed by J. Sinha Commission. Relevant portion of order dated 05.05.2016 is reproduced as thus –

*“Out of the aforementioned eight persons, one post is available in terms of Annexure-IVB of the report of Justice Aggarwal Commission, one post of Sweeper is also available.*

*It is stated by Mr. Arjun Krishnan that 5 vacancies have arisen in Class IV Posts by reason of death/retirement/superannuation of the incumbents of (illegible) posts.*

*It is stated that Sh. Biphan Singh Yadav, Kapildeo Yadav, Nageshwar Prasad Rai have passed away whereas Sh. Rajan Kumar and Sh. Rajeshwar Kumar Singh have superannuated.*

*It is furthermore stated that out of 5 posts, which have fallen vacant one post has been filled up by way of compassionate appointment*

*In that view of the matter, the vacant posts may be filled up by the University from amongst the persons who are qualified therefor their interse seniority (sic).”*

The order dated 24.06.2016 is also reproduced as under: -

*“It appears that in the last but one page of the order dated 05.05.2016 after the case of Butan Singh was dealt with, the names of the following persons were inadvertently left out:*

- 1. Late Umeshwar Prasad Singh*
- 2. Nityanand Yadav*
- 3. Bishwa Vijay Tiwary*
- 4. Dinesh Kumar Singh*
- 5. Arjun Prasad*
- 6. Ram Pyare Prasad*
- 7. Kamla Devi*
- 8. Ashok Kumar Singh*

*Let their names be inserted just before the paragraph beginning with the words “Out of the aforementioned 8 persons”*

*The names of the aforementioned 8 persons may also be inserted in the procedural order dated 5.5.2016.*

*It appears that a typographical error has crept in, in the matter of Shri Ramesh Prasad in so far as the word “Geography” has wrongly been mentioned instead and in place of “Zoology”.*



*The word “Geography” shall be read as “Zoology” in the said order.*

*Let all concerned treat this order to be a part of the order dated 5.5.2016.” (sic)*

On perusal of the above orders, it is apparent that there is no positive direction in favour of the petitioners herein for absorption. Rather, J. Sinha Commission merely directed the University to consider the qualified persons as per their inter-se seniority to fill up the vacant posts.

3. In the present case, the State of Bihar filed counter affidavit stating that when university sent recommendations to absorb the petitioners, the State informed that such recommendations are not in accordance with the directions issued by J. Sinha Commission and requested university to send the recommendations strictly in terms of the order passed by J. Sinha Commission, which was not received. Therefore, no case of deliberate or willful non-compliance can be made out.

4. In view of the factual scenario of the matter and the counter affidavit of the State, we find that this is not the case of willful non-compliance of the order 31.08.2017 passed in Civil Appeal No. 2703 of 2017 and batch titled as **“Krishna Nand Yadav & others (supra)”**.

5. Accordingly, the present Contempt Petitions stand dismissed. However, such dismissal will not debar the petitioners to avail any other remedy for redressal of their grievances, if any, in accordance with law.

6. Pending interlocutory application(s), if any, stands disposed of.

....., J  
[J.K. MAHESHWARI]

....., J  
[RAJESH BINDAL]

**New Delhi;  
January 08, 2025.**



**IN THE SUPREME COURT OF INDIA  
INHERENT JURISDICTION**

**CONTEMPT PETITION (C) NO. 372 OF 2019**

**IN**

**CIVIL APPEAL NO. 2703 OF 2017**

**GOPAL SHARAN SINGH**

**PETITIONER(S)**

**VERSUS**

**DEEPAK KUMAR AND ORS.**

**RESPONDENT(S)**

**WITH**

**CONTEMPT PETITION (C) NO. 373 OF 2019**

**IN**

**CIVIL APPEAL NO. 2703 OF 2017**

**MAHENDRA KUMAR SINGH**

**PETITIONER(S)**

**VERSUS**

**DEEPAK KUMAR AND ORS.**

**RESPONDENT(S)**

**WITH**

**CONTEMPT PETITION (C) NO. 376 OF 2019**

**IN**

**CIVIL APPEAL NO. 2703 OF 2017**

**SHYAM SHARAN SHAH AND ANR.**

**PETITIONER(S)**

**VERSUS**

**DEEPAK KUMAR AND ORS.**

**RESPONDENT(S)**

**ORDER**

1. The petitioners in the present contempt petitions are 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 petitioners were appointed on various posts in different colleges. The claims of the petitioners regarding absorption were allowed by Mr. Justice S.B. Sinha (Retd.) One Man Commission (hereinafter referred to as '**J. Sinha Commission**') vide various orders on different dates. The said orders were confirmed by this Court vide order dated 31.08.2017 in **Krishna Nand Yadav (supra)**, subject to furnishing declaration by the respective petitioner 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 he did not work anywhere else.
3. The petitioners submit that while they have been absorbed by the university vide different orders on various dates, their arrears of salary and pension, if any, have not been paid by the contemnors, therefore, the present petitions have been filed.

4. In the present case, the State of Bihar filed counter affidavit stating that ascertainable arrears of salary of actual working days have been paid and it is also said that pursuant to the orders dated 11.07.2019 and 07.08.2019 passed in Contempt Petition (C) No. 1188 of 2018 titled as **“Baidya Nath Choudhary Vs. Dr. Sree Surendra Kumar Singh”** the two member-enquiry committee observed that based on the attendance records for one of the petitioners he was found to have not worked for certain duration. For other petitioners, proper records were not available, hence their actual working period could not be ascertained. Therefore, no case of wilful non-compliance can be made out.

5. Having considered the submissions, indisputably, after order of J. Sinha Commission, the absorption of the petitioners was notified by Magadh University on different dates and vide different orders. The details are as under: -

Name	Date of notification	Absorption w.e.f. the following date
Mr. Gopal Sharan Singh	03.12.2018	01.03.2005
Mr. Mahendra Kumar Singh	03.12.2018	01.03.2015
Mr. Shyam Sharan Shah	19.12.2018	01.08.2007
Mr. Bishwa Nath Singh	19.12.2018	01.03.2014

In view of the orders dated 11.07.2019 and 07.08.2019 of this Court in Contempt Petition (C) No. 1188 of 2018 **Baidya Nath Choudhary (supra)**, their arrears were put on hold. Thus, the issue of payment of arrears of salary after verifying the absence period and actual working days and pension, if any, are the issues which require adjudication.

6. In view of the factual scenario of the matter, counter affidavit of the State and the tenor of the orders passed in subsequent proceedings in Contempt Petition (C) No. 1188 of 2018 **Baidya Nath Choudhary (supra)**, we find that the issues regarding actual working of the individual petitioner, payment of salary and arrears thereof require adjudication after a fact-finding enquiry, which we are not inclined to decide in these Contempt Petitions. It is not reported that after affording an opportunity enquiry has been completed, however, we do not deem it appropriate to keep these matters pending.

7. 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 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 pension, if any, 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, if any, 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 “**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 of pension 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.

8. 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.**



**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**

**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**

**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**



2025 INSC 61

**IN THE SUPREME COURT OF INDIA**  
**INHERENT JURISDICTION**  
**CONTEMPT PETITION (C) OF 2025**  
**[@DIARY NO. 7955 OF 2022]**  
**IN**  
**CONTEMPT PETITION (C) NO. 1188 OF 2018**  
**IN**  
**CIVIL APPEAL NO. 2703 OF 2017**

**DR. YUGESHWAR YADAV**

**PETITIONER**

**VERSUS**

**SANJAY KUMAR & ORS.**

**RESPONDENT(S)**

**ORDER**

1. The petitioner in the present contempt petition has approached inter-alia contending that by virtue of the interim orders dated 11.07.2019 and 07.08.2019 passed in Contempt Petition (C) No. 1188 of 2018 titled as “Baidya Nath Choudhary Vs. Dr. Sree Surendra Kumar Singh” in **Civil Appeal No. 2703 of 2017 and batch titled as “Krishna Nand Yadav & others Vs. Magadh University & others”**, his arrears of salary and pension have not been finalized, which may amount to disobedience of the order of this Court.

2. Briefly put, the petitioner was appointed on the post of lecturer. The claim of the petitioner regarding absorption was allowed by Mr. Justice S.B. Sinha (Retd.) One Man Commission (hereinafter referred to as '**J. Sinha Commission**'). 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 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 he did not work anywhere else. Vide notification dated 13.07.2018 of the Magadh University, he was absorbed.

3. In the present case, the State of Bihar filed counter affidavit stating that ascertainable arrears of salary of actual working days have been paid. It is also said that pursuant to the orders dated 11.07.2019 and 07.08.2019 passed in Contempt Petition (C) No. 1188 of 2018 Baidya Nath Choudhary (supra) two members enquiry committee found that petitioner has not worked for certain duration(s), hence, some amount is recoverable. Therefore, for demand of arrears of salary, no case of deliberate or willful non-

compliance can be made out.

4. Having considered the submissions, indisputably, after order of J. Sinha Commission, the petitioner's absorption was notified on 13.07.2018. As contended, the ascertainable arrears of salary have been paid and the excess amount is recoverable. The petitioner has already attained the age of superannuation. In view of the orders dated 11.07.2019 and 07.08.2019 of this Court in Contempt Petition (C) No. 1188 of 2018 **Baidya Nath Choudhary (supra)**, his pension was put on hold. Thus, the issue of payment of arrears of salary, verifying the absence period and actual working days after an enquiry and release of pension are the issues, which require adjudication.

5. In view of the factual scenario of the matter, counter affidavit of the State and the tenor of the orders passed in subsequent proceedings in Contempt Petition (C) No. 1188 of 2018 **Baidya Nath Choudhary (supra)**, we find that the issues regarding actual working of the petitioner, payment of salary, arrears and excess payment require adjudication after fact-finding enquiry, which we are not inclined to hold in this Contempt Petition. 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 there. 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 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.

6. 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 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.



7. 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.**



2025 INSC 62

**IN THE SUPREME COURT OF INDIA**  
**INHERENT JURISDICTION**  
**CONTEMPT PETITION (C) NO. 115 OF 2019**  
**IN**  
**CIVIL APPEAL NO. 2703 OF 2017**

**SRI MUNSHI LAL MAHTO AND ORS.**

**PETITIONER(S)**

**VERSUS**

**SRI SUDHIR TRIPATHY AND ORS.**

**RESPONDENT(S)**

**ORDER**

1. The petitioners in the present contempt petition are 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. During hearing, it has been informed that except petitioner No. 4, rest of the petitioners are receiving their legible claims since their respective date of absorption, hence they do not wish to press this contempt petition. Accordingly, the contempt petition in respect of petitioner nos. 1 to 3 and 5 stands dismissed.

3. So far as petitioner No. 4 is concerned, briefly put, he was appointed on the post of Typist in P.P.K. College, Bundu (Ranchi) on 09.09.1985. The claim of the petitioner regarding absorption was allowed by Mr. Justice S.B. Sinha (Retd.) One Man Commission (hereinafter referred to as '**J. Sinha Commission**') vide order dated 29.10.2015, corrected by order dated 04.12.2015. 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 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 he did not work anywhere else. Vide a notification dated 06.08.2018 of the Ranchi University, he was absorbed w.e.f. 01.07.2015.

4. The petitioner submits that after the absorption order of the University he has not received his arrears of salary. The contemnor – Chief Secretary, State of Jharkhand in his counter affidavit has stated that after receipt of the notification dated 06.08.2018 from the University and on scrutiny of his certificates, it was found that he was minor on the date of his appointment, i.e., 09.09.1985, as well

as on cut-off date. Therefore, his pay fixation was rejected.

5. The State of Jharkhand in its reply to the written submissions of the petitioner No. 4 has stated that the date of birth of the petitioner No. 4 is 05.08.1968 and this crucial fact was concealed by him. Since, he was a minor on the date of his appointment as well as on the cutoff date he was ineligible for such appointment and accordingly, his pay was not fixed. Further, since his appointment is void ab-initio, a detailed enquiry of the original records in regard to continuity of his service has not been done in furtherance of order dated 07.08.2019 of this Court passed in Contempt Petition (C) No. 1188 of 2018 titled as “Baidya Nath Choudhary Vs. Dr. Sree Surendra Kumar Singh.” Hence, there is no case of willful non-compliance.

6. We have perused the documents placed and noted that the order of rejection of pay fixation is not on record. It is further noted that after the absorption notification issued by the University; nothing has been brought for de-notifying petitioner no. 4’s absorption.

7. Having considered the submissions, the factual scenario of the matter, counter affidavit of the contemnors and the tenor of the orders passed in subsequent proceedings in Contempt Petition (C) No. 1188 of 2018 **Baidya Nath Choudhary (supra)**, we find that the issues regarding date of birth, pay fixation, payment of salary and arrears require adjudication, which we are not inclined to hold in this Contempt Petition.

8. 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 No. 4 shall submit his claim regarding date of birth, pay fixation and arrears of salary along with relevant documents before the Registrar/Vice Chancellor of the University by February 28, 2025. On receiving such claim, it be adjudicated affording due opportunity to the

employee, college concerned, representative of the State and a reasoned order be passed within a period of three months.

- (ii) 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.

9. 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.**



any contempt can be made out. Therefore, we are not inclined to entertain the claim of petitioner No. 2. The contempt petition, so far as petitioner No. 2 is concerned, is dismissed and the application for substitution of his legal heirs is hereby rejected.

3. Insofar as petitioner no. 1 – Prasant Bandyopadhyay is concerned, he was appointed as a Routine Clerk in ABM College, Jamshedpur. His claim regarding payment of salary was allowed by Mr. Justice S.B. Sinha (Retd.) One Man Commission (hereinafter referred to as '**J. Sinha Commission**') vide order dated 23.01.2016. 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 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 he did not work anywhere else. Vide notification dated 15.09.2018 of the Kolhan University, he was absorbed w.e.f. 22.10.1986.

4. The petitioner No. 1 submits that he has received his arrears of salary only from the date of bifurcation of State of Jharkhand from State of Bihar, i.e., 15.11.2000 till his superannuation, i.e.,



31.08.2016. However, his arrears from the date of absorption till bifurcation are still pending, though recommended by the University vide chart dated 13.09.2018 which was submitted to State of Jharkhand on 14.09.2018.

5. The State of Jharkhand in its counter affidavit has stated that on enquiry pursuant to orders dated 11.07.2019 and 07.08.2019 passed in Contempt Petition (C) No. 1188 of 2018 titled as “Baidya Nath Choudhary Vs. Dr. Sree Surendra Kumar Singh” two members enquiry committee found discrepancies in attendance register and was not in a position to verify the absence period and the actual working period, therefore, for demand of arrears of salary, no case of deliberate or willful non-compliance can be made out.

6. We have perused the documents and it is reported that petitioner No. 1 was allocated to the State of Jharkhand and accordingly, the State released his arrears of salary from the date of creation of State of Jharkhand. In the present contempt petition, no one has been joined as contemnor from State of Bihar, therefore, adjudication of the claim of arrears of salary from the

date of absorption till bifurcation cannot be gone into in the present contempt petition.

7. On perusal of the documents produced, the claim regarding his working in the State of Bihar is not ascertainable. So far as his working in the State of Jharkhand, salary has already been decided and paid. In case any surviving claim is there, he is at liberty to put forth such claim along with the issue of pension. We make it clear that in the orders dated 11.07.2019, 07.08.2019 and 12.02.2021, passed in Contempt Petition (C) No. 1188 of 2018 titled as "Baidya Nath Choudhary (supra)" the issue regarding payment of pension was not there. 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 of pension. It is not reported that affording opportunity enquiry has been completed, however, we do not deem it appropriate to keep these matters pending.

8. 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 No. 1 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 No. 1 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.

9. 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.**



**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 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.**



**IN THE SUPREME COURT OF INDIA  
INHERENT JURISDICTION**

**CONTEMPT PETITION (C) NO. 741 OF 2020**

**IN**

**CONTEMPT PETITION (C) NO. 1030 OF 2018**

**IN**

**CIVIL APPEAL NO. 2703 OF 2017**

**MEERA SINGH**

**PETITIONER**

**VERSUS**

**DEEPAK KUMAR AND ORS.**

**RESPONDENTS**

**ORDER**

1. The petitioner in the present contempt petition is aggrieved by the alleged non-compliance of the order dated 27.02.2019 passed in Contempt Petition (C) No. 1030 of 2018, filed in **Civil Appeal No. 2703 of 2017 and batch titled as “Krishna Nand Yadav & others Vs. Magadh University & others”**.

2. Briefly put, the petitioner was appointed on the post of lecturer in Tilka Manjhi Bhagalpur University, Bhagalpur, Bihar

w.e.f. 07.09.1981. The claim of the petitioner regarding absorption was allowed by Mr. Justice S.B. Sinha (Retd.) One Man Commission (hereinafter referred to as '**J. Sinha Commission**') vide order dated 03.08.2015. 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 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 she did not work anywhere else. Vide a notification dated 17.09.2018 of the Magadh University, she was absorbed.

3. The petitioner felt that the said order was not complied with, hence, she had filed the Contempt Petition (C) No. 1030 of 2018 for alleged non-compliance. On 27.02.2019, the Court observed that absorption has been ordered and the payment to the admitted claim has also been made, if there are any remaining arrears it be paid to petitioner after verification within four weeks. In this view, accepting unconditional apology, the Contempt Petition was disposed of. The petitioner raising a grievance that the direction

issued in main case and also in contempt petition has not been complied, hence, filed the present petition.

4. In the present case, the State of Bihar filed counter affidavit stating that ascertainable arrears of salary of actual working days have been paid. It is also said that pursuant to the orders dated 11.07.2019 and 07.08.2019 passed in Contempt Petition (C) No. 1188 of 2018 “**Baidya Nath Choudhary Vs. Dr. Sree Surendra Kumar Singh**” two members enquiry committee was not in a position to verify the absence period and the actual working period, therefore, for demand of arrears of salary, no case of deliberate or willful non-compliance can be made out.

5. Having considered the submissions, undisputedly, after order of J. Sinha Commission, the petitioner’s absorption was notified on 17.09.2018. As contended, the ascertainable arrears of salary were also paid. She has already attained the age of superannuation on 31.12.2019. In view of the orders dated 11.07.2019 and 07.08.2019 of this Court in **Baidya Nath Choudhary (supra)**, her pension was put on hold by university vide order dated 03.06.2020. Thus, the issue of payment of arrears

of salary verifying the absence period and actual working days after an enquiry is an issue and the pension stopped is also an issue which require adjudication.

6. In view of the factual scenario of the matter and the tenor of the orders passed in subsequent proceedings in **Baidya Nath Choudhary (supra)**, we find that the issue regarding actual working of the petitioner, payment of salary and arrears thereof require adjudication after fact-finding enquiry, which we are not inclined to hold in this Contempt Petition. 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.

7. 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 shall submit her claim along with relevant documents setting up her 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.

8. 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.**



**IN THE SUPREME COURT OF INDIA**

**INHERENT JURISDICTION**

**CONTEMPT PETITION (C) NO. 449 OF 2021**

**IN**

**CONTEMPT PETITION (C) NO. 1188 OF 2018**

**IN**

**CIVIL APPEAL NO. 2703 OF 2017**

**DR. SHYAM NARAYAN SINGH AND ORS.                      PETITIONER(S)**

**VERSUS**

**SANJAY KUMAR AND ORS.                                      RESPONDENT(S)**

**ORDER**

1. The petitioners in the present contempt petition have approached this Court inter-alia contending that by virtue of the interim orders dated 11.07.2019 and 07.08.2019 passed in Contempt Petition (C) No. 1188 of 2018 titled as “Baidya Nath Choudhary Vs. Dr. Sree Surendra Kumar Singh” in **Civil Appeal No. 2703 of 2017 and batch titled as “Krishna Nand Yadav & others Vs. Magadh University & others”**, arrears of salary and pension have not been finalized, which may amount to disobedience of the order of this Court.

2. Briefly put, the petitioners were appointed on various posts in different colleges under Magadh University. Their claims regarding absorption were allowed by Mr. Justice S.B. Sinha (Retd.) One Man Commission (hereinafter referred to as '**J. Sinha Commission**') passing orders on different dates. The said orders were confirmed by this Court vide order dated 31.08.2017 in **Krishna Nand Yadav (supra)**, subject to furnishing declaration by the petitioner 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 he did not work anywhere else. However, the compliance of the said order is sought in true sense and spirit.

3. The petitioner Nos. 1 to 4 and 6 to 10 submit that arrears of salary which were earlier stopped by the Magadh University have been received by them. However, because of the orders dated 11.07.2019 and 07.08.2019, their pension and other benefits have not been paid. The petitioner No. 5 alleges that even after his absorption arrears of salary from May, 2008 have not been paid.

4. In the present case, the State of Bihar filed counter affidavit stating that the petitioners have been paid their regular current

salary, however, the other payments were kept in abeyance in the light of the orders dated 11.07.2019 and 07.08.2019 passed in Contempt Petition (C) No. 1188 of 2018 **Baidya Nath Choudhary (supra)**. It is submitted that on the issue of their actual working from the date of absorption fact finding enquiry is necessary, however, it is not a case of deliberate or willful non-compliance.

5. Having considered the submissions, indisputably, after order of J. Sinha Commission, the absorption of the petitioners was notified by Magadh University on different dates, vide different orders. The details are as under: -

Name	Date of notification	Absorption w.e.f. the following date	Date of superannuation
P1 - Dr. Shyam Narayan Singh	13.07.2018	14.02.1983	30.11.2020
P2 - Dr. Krishna Kumar Navin	13.07.2018	14.02.1983	30.04.2015
P3 - Dr. Mundrika Prasad	18.08.2018	N/A	31.07.2009
P4 - Md. Gulam Samdani	13.07.2018	09.05.1988	30.09.2020
P5 - Dr. Shree Niwas Pandey	18.09.2018	N/A	In service
P6 - Sri Harihar Prasad Singh	13.07.2018	19.03.1986	30.11.2015
P7 - Sri Vidya Bhushan Prasad	18.08.2018	N/A	31.01.2018
P8 - Sri Brij Bihari Singh	18.09.2018	N/A	31.01.2021
P9 - Sri Rajendra Pd. Singh	13.07.2018	19.03.1986	31.01.2019

P10 - Brij Mohan Prasad	13.07.2018	19.03.1986	31.12.2015
-------------------------	------------	------------	------------

6. As informed by the parties, except petitioner No. 5, all other petitioners have attained the age of superannuation. It is contended that the regular salary was paid as per order dated 14.01.2020, but in view of the orders dated 11.07.2019 and 07.08.2019 passed in Contempt Petition (C) No. 1188 of 2018 in **Baidya Nath Choudhary (supra)**, pension and other dues are put on hold. Thus, the issue of payment of arrears of salary after verifying actual working period after an enquiry and the payment of pension are the issues which require adjudication.

7. In view of the factual scenario of the matter, counter affidavit of the State and the tenor of the orders passed in subsequent proceedings in Contempt Petition (C) No. 1188 of 2018 **Baidya Nath Choudhary (supra)**, we find that the issue regarding actual working of the individual petitioner, payment of salary and arrears thereof requires adjudication after fact-finding enquiry which we are not inclined to hold in this contempt petition. 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 there. 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 after affording opportunity enquiry has been completed, however, we do not deem it appropriate to keep these matters pending.

8. 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 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 **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 of pension 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.



8. 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.**



**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)**

**VERSUS**

**DEEPAK KUMAR & ORS. RESPONDENT(S)**

**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**

**CONTEMPT PETITION (CIVIL) NO(S). \_\_\_\_\_ OF 2025**  
**[@DIARY NO. 1370 OF 2021]**  
**IN**  
**CIVIL APPEAL NO. 2703 OF 2017**

**ABDUL GHAFOOR (DECEASED)**  
**THROUGH HIS LR SHAHIDA KHATOON** **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)**

**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)**

**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.**



2025 INSC 68

**IN THE SUPREME COURT OF INDIA  
INHERENT JURISDICTION**

**MISC. APPLICATION NO. \_\_\_\_\_ OF 2025**  
**[@ DIARY NO. 38122 OF 2024]**  
**IN**  
**CONTEMPT PETITION (C) NO. 110 OF 2019**  
**IN**  
**CIVIL APPEAL NO. 2703 OF 2017**

**HALDHAR PRASAD GUPTA**

**PETITIONER**

**VERSUS**

**DEEPAK KUMAR & ORS.**

**RESPONDENT(S)**

**ORDER**

1. The petitioner has filed the present miscellaneous application seeking directions against contemnors to release arrears of salary, pension and other benefits as directed vide order dated 27.02.2019 passed in Contempt Petition (C) No. 110 of 2019 filed in Civil Appeal No. 2703 of 2017 and batch titled as **“Krishna Nand Yadav & others Vs. Magadh University & others”**.

2. Briefly put, the petitioner was appointed on the post of Lab In-charge in Parvati Science College under B.N. Mandal University on 27.09.1978 and confirmed on 22.02.1979. The claim of petitioner regarding absorption was allowed by Mr. Justice S.B. Sinha (Retd.) One Man Commission (hereinafter

referred to as '**J. Sinha Commission**'). The said order was confirmed by this Court vide order dated 31.08.2017 passed in **Krishna Nand Yadav (supra)**.

3. For alleged non-compliance, the petitioner filed the Contempt Petition (C) No. 110 of 2019. On 27.02.2019, the Court observed that absorption has been ordered and the payment of the admitted claim has also been made to the petitioner, if there are any remaining arrears, it be paid after verification within four weeks. In this view, accepting unconditional apology, the Contempt Petition was disposed of.

4. Even after service, no counter has been filed in the present application.

5. Having considered the submissions, indisputably, after order of J. Sinha Commission, the petitioner's absorption was notified on 18.09.2018. He has already attained the age of superannuation on 30.11.2016. In view of the orders dated 11.07.2019 and 07.08.2019 of this Court in Contempt Petition (C) No. 1188 of 2018 titled as "**Baidya Nath Choudhary Vs. Dr. Sree Surendra Kumar Singh**" his pension has been put on hold. Thus, the issue of payment of arrears of salary verifying

the absence period and actual working days after an enquiry, and the stoppage of pension are the issues, which require adjudication.

6. In view of the factual scenario of the matter and the tenor of the orders passed in subsequent proceedings in **Baidya Nath Choudhary (supra)**, we find that the issue regarding actual working of the petitioner, payment of salary and arrears thereof require adjudication after fact-finding enquiry, which we are not inclined to hold in this application. 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.

7. It is seen that in the case of the petitioner, the order of absorption have been passed by the concerned university after the order 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 this application with the following directions:

- (i) The 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. the 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.

8. In view of the foregoing, the present miscellaneous application stands disposed of. Pending interlocutory application(s), if any, also stands disposed of.

.....**J.**  
**[ J. K. MAHESHWARI ]**

.....**J.**  
**[ RAJESH BINDAL ]**

**New Delhi;**  
**January 08, 2025.**