

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 958 of 2024

1. Birmani Pandey, aged about 82 years, S/o Late Bisheshwar Pandey, resident of Baralote Panki Road, P.O and P.S. Daltonganj
 2. Nagendra Nath Tiwari, 81 years, S/o Late Gupteshwar Nath Tiwari, resident of Police Major Road, Hamidganj, P.O and P.S. Daltonganj, District Palamau
- --- Petitioners

Versus

1. The State of Jharkhand
2. The Principal Secretary, Department of Planning-cum-Finance Department, Government of Jharkhand having its office at Project Building, P.O Dhurwa, P.S Jagarnathpur, District Ranchi.
3. The Director, Higher Education, Department of Higher and Technical Education, Government of Jharkhand, having its office at Nepal House, P.O and P.S Doranda, District Ranchi
4. The Under Secretary, Department of Higher and Technical Education, Government of Jharkhand, having its office at Nepal House, P.O and P.S Doranda, District Ranchi
- 5 Ranchi University, Ranchi through its Registrar having its office at Main Road, P.O G.P.O, P.S Lower Bazar, District Ranchi
6. The Vice Chancellor, Ranchi University, through its Registrar, having its office at P.O. G.P.O, P.S. Lower Bazar, District Ranchi
7. Mathura Prasad Vishwakarma, Son of Late Maheshwar Mistri, aged 89 years, resident of S.P. Kothi Road, P.O. Awadganj, P.S. Daltonganj District Palamau.
8. Janeshwar Shukla, aged 82 years, Son of Late Brindavan Shukla, resident of Sri Ram Path, Redma, Panki Road, P.O. and P.S. Daltonganj District Palamau
9. Kripal Tiwari, aged 79 years, Son of Late Rajeshwar Tiwari, resident of Sri Ram Path, Panki Road, Redma, P.O. and P.s. Daltonganj, District Palamau.
10. Dharamraj Tiwari, aged 84 years, Son of Late Jai Govind Tiwari, resident of Village Jorh, T.V. Tower Road, P.O. and P.S. Daltonganj, District Palamau.
11. Narendra Kumar Singh, aged 82 years, Son of Late Kamta Prasad Singh, resident of Charki Bhatha, Baralota, Panki Road, P.O. and P.S. Daltonganj, District Palamau.
12. Surya Kant Choudhary, Aged 79 years, Son of Late Ram Adhikari Choudhary, resident of Charki Bhatta, Baralota, P.O. and P.S. Daltonganj, District Palamau.
- 13.M. Wajihuddin, aged 83 years So of M. Fashuddin, resident of Rani Ram Chowk, P.O. and P.S. Daltonganj, District Palamau.
14. Prabhakar Saran, aged 58 years, Son of Late Nagendra Nath Saran, resident of Mohan Cinema Road, P.O. and P.S. Daltonganj District Palamau.
15. Mrs. Kausar Parween, aged 72 years, widow of Late Prof Razi Ahmad, and daughter of Late Masood Alam Khan, resident of Nawatoli, P.O. and P.S. Daltonganj, District Palamau.
16. Mayank Nilabh Ming, aged 45 years, Son of Late Poof Mary Alice Minz, resident of Ranchi Road, Near Dr. Jaikumar, P.O. and P.S. Daltonganj, District Palamau.

2.

17. Saroj Sahey, aged 74 years, widow of Late Prof. Kailashpati Ranjan Sahay and daughter of Late Ram Kishore Narayan Lal, Resident of Mission School Road, Awadganj, P.O. and P.S. Daltonganj District Palamau.
18. Amresh Kumar, aged 45 years, Son of Late Prof. Ram Sewak Sahu, resident of Kachhari Road, Awadgung, P.O. and P.S. Daltonganj, District Palamau.
19. Shashank Priey, aged 46 years, son of Late Prof. Harihar Prasad Suugh, resident of Awadgang, P.O. and P.S. Daltonganj, District Palamau.
20. Indrasan Singh, aged 78 years, Son of Late Mahavir Suigh, resident of Awadganj P.O. and P.S. Daltonganj, District Palamau.
21. Yugal Kishore Prasad, aged 82 years, Son of Late Lochan Saw, resident of Police Major Road, Hamidganj. P.O. and P.S. Daltonganj, District Palamau
22. Nagendra Nath Tiwary, aged about 78 years, S/o Late Gupteshwar Nath Tiwari, resident of Police Major Road, Hamidganj, P.O and P.S. Daltonganj, District Palamau
23. Nikhil Kumar Singh, aged 43 years, Son of Late Prof Ishwari Prasad Singh, resident of Katchhari Road, P.O. and P.S. Daltonganj, District Palamau.
24. Girija Debi, aged 86 years, widow of Late Professor Kanhaiya Prasad, and daughter of Late Nathun Saw, resident of Sudna, P.O. and P.S. Daltonganj, District Palamau.
25. Brij Kishore Sahay, aged 78 years, Son of Late Sukhdeo Sahay, resident of Nawatoli, P.O. and P.S. Daltonganj, District Palamau.
26. Bharat Prasad, aged 82 years, Son of Late Shiv Bhajan Sahu, resident of Redme Panki Road, Paand P.S. Daltonganj, District Palamau.
27. Sneh Mohan aged 80 years, Widow of Prof. Kishori Mohan Prasad, daughter of Late Baijnath Sahay, C/o Ratan Kumar Verma, resident of Sona Apartment l/c Kishoreganj, Road No. 1, P.O. and P.S. Daltonganj, District Palamau

--- --- Opp. Parties

CORAM: Hon'ble Mr. Justice Ambuj Nath

For the Petitioner: Mrs. Indrani Sen Choudhary, Advocate
For the O.P-State: Mr. Amrit Raj Kisku, A.C to G.A-V
For the O.P. No. 5&6: Mr. Anoop Kr. Mehta, Advocate

08 / 28.03.2025 The present application has been filed under section 151 of the Code of Civil Procedure for rectification of the order dated 19.08.2024 passed in W.P (S) No. 2601 of 2023, whereby and wherein, this court had directed the Respondent State to take a policy decision with regard to the payment of arrears of revised pension under 7th Pay Commission from 01.01.2016 to the within a period of three months from the date of receipt of copy of this order to the petitioners.

2. Learned counsel appearing on behalf of the petitioner submitted that in W.P (S) No. 2601 of 2023, petitioners had prayed for grant of benefit under the

3.

7th Pay Commission to the retired teachers of the State Universities and its constituent colleges along with interest @12% per annum. It was further submitted that the court had directed the State to take a policy decision in this matter, but no order was passed with regard to the payment of interest to the petitioners. It was further submitted that in a similar matter, Coordinate Bench of this Court in W.P (S) No. 5187 of 2022, W.P(S) No. 725 of 2023 and W.P (S) No. 1255 of 2023 had granted relief (s) claimed along with the payment of statutory interest @ 6% per annum from the date it fell due till the date of actual payment.

3. Learned counsel for the opposite parties has filed counter affidavit. It has been pleaded that the relief claimed in the present civil miscellaneous petition cannot be granted to the petitioners as the same would amount to reopening of the proceeding after the matter has been disposed of. Reliance has been placed upon a judgment of the Hon'ble Supreme Court rendered in the case of **Jaipur Vidyut Vitran Nigam Ltd. and others versus Adani Power Rajasthan Ltd. And Another [2024 SCC OnLine SC 313**, wherein the Hon'ble Supreme Court at para-25 has observed, which reads as under:

“25. We felt it necessary to examine the question about maintainability of the present application as we are of the view that it was necessary to spell out the position of law as to when such post-disposal miscellaneous applications can be entertained after a matter is disposed of. This Court has become functus officio and does not retain jurisdiction to entertain an application after the appeal was disposed of by the judgment of a three-Judge Bench of this Court on 31.08.2020 through a course beyond that specified in the statute. This is not an application for correcting any clerical or arithmetical error. Neither it is an application for extension of time. A post disposal application for modification and clarification of the order of disposal shall lie only in rare cases, where the order passed by this Court is executory in nature and the directions of the Court may become impossible to be implemented because of subsequent events or developments. The factual background of this Application does not fit into that description.”

4. This court has become functus officio after the disposal of W.P(S) No. 2601 of 2023. This is not an application for correcting any clerical or arithmetical error, nor it is an application for extension for time. This application is post disposal of application for modification of the order by further granting relief for payment of interest @12% per annum on the arrears of revised pension under 7th Pay Commission with effect from 01.01.2016.

4.

5. In view of the aforesaid facts, no case for review of the order dated 19.08.2024 passed in W.P(S) No. 2601 of 2023 is made out. Accordingly, this civil miscellaneous petition being devoid of merit, is dismissed.

(Ambuj Nath, J)

Ranjeet/
Uploaded