

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5983 of 2015

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Usha Shah, wife of Late Rama Shanker Shah (Retd. Demonstrator,
Department of Zoology, Science College, Patna University, resident of
Mohalla- Dalluchak, P.O. & P.S.- Khagaul, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of
Human Resources Development (Higher Education), Government of
Bihar, Patna.
2. The Patna University, through, Registrar, Patna University, Patna,
Ashok Raj Path, Patna.
3. The Vice-Chancellor, Patna University, Patna, Ashok Raj Path, Patna.
4. The Registrar, Patna University, Patna, Ashok Raj Path, Patna.
5. The Finance Officer, Patna University, Patna, Ashok Raj Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gautam Shah, Advocate.

For the Respondent/s : Mr. Nadeem Seraj, GP-20

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 02-07-2015

Heard learned counsel for the parties.

2. The petitioner in this writ application prays for following
relief:

*"(i) Arrears of difference of salary from 01.01.1996 to
28.02.2001 in view of implementation of 5th UGC pay
revision w.e.f. 01.01.1996.*

*(ii) Arrears of difference of gratuity in the 5th UGC pay
revision.*

*(iii) Arrears of difference of earned leave encashment in the
5th UGC pay revision.*

*(iv) Arrears of difference of pension from 01.03.2001 to
31.12.2005 in the 5th UGC pay revision.*

*(v) Benefit of merger of 50% dearness relief in the basis
pension of petitioner's late husband w.e.f. 01.01.2005 in view
of order/judgment dated 03.12.2010 passed in C.W.J.C. No.
3616 of 2010.*

*(vi) Arrears of difference of pension from 01.01.2006 to
30.12.2011 in the 5th UGC pay revision. Implemented w.e.f.*

01.01.2006.

(vii) *Fixation of family pension to the petitioner w.e.f. 01.01.2012 in the 5th UGC pay revision."*

3. At the outset, this Court must record that the relief no. 1 is not the retirement benefit. The husband of the petitioner, being an employee of the Patna University where he was working as Demonstrator, Department of Zoology and had retired on 28.02.2001 and had also died on 30.12.2011, was given certain payment of post-retiral dues after his retirement. He, however, had certain grievance with regard to remaining amount of post-retiral dues primarily on account of re-fixation of his pay on the basis of 5th UGC pay revision report which came into force w.e.f. 01.01.1996. The respondent- Patna University has now filed a counter affidavit wherein it has been stated as follows:

"4. That it is brought on record that pension and family pension with up to date revision has been paid to the petitioner vide PPO No. 149 dated 23.02.2013.

5. That in this regard with regard to arrears of pension and family pension, it is being stated that Rs. 39,652, Rs. 26435/- and Rs. 1,05,738 have been paid to the petitioner on 15.05.2013, 19.02.2013 and 02.05.2014 and the remaining arrears of Rs. 92,520/- will be paid after verification of pay from the Government Pay Verification Cell as per the letter dated 23.03.2015 of the Education Department.

6. That towards gratuity the petitioner has been paid 3,05,564/- and nothing is due towards it.

7. That towards benefit of merger of Dearness relief in the basis pension inconsonance with the Hon'ble High Court's order has also been paid to the petitioner and towards it she has been paid Rs. 21,096/- and nothing remains to be paid towards it.

8. That earlier towards revision of pension on account of 5th pay revision of Rs. 1,48,590/- has already been paid to the petitioner.

9. That from the facts mentioned above everything towards the claim of the petitioner with regard to the retiral dues except arrears of difference of leave encashment on account of pay revision has not been paid to him because no bill has been submitted by the petitioner or her late husband nor the college where the husband of the petitioner was working has given the details.

10. That in terms of the direction of the Hon'ble Court this affidavit covers all the grievance raised by the petitioner towards her claim as well as her husband's retiral dues. However to set the record straight that the difference of arrears of salary on account of 5th Pay Revision is still due to her as till date no bill has been submitted."

4. From the aforementioned counter affidavit, copy whereof has been served on learned counsel for the petitioner only today, it becomes very clear that almost all the retirement benefit has been paid and certain amount which has not been paid awaiting the impetus communication from the Pay Verification Cell.

5. This Court, accordingly, would direct the Director, Higher Education to ensure that the Pay Verification Cell working under him must send the verified statement of pay of the husband of the petitioner to the Patna University within a maximum period of one month from the date of receipt of a copy of this order.

6. The Patna University thereafter shall pay the amount found payable to the petitioner as also stated in the counter affidavit within a period of one month from the date of receipt of the

communication from the Director, Higher Education containing the pay verification statement of the husband of the petitioner.

7. If the petitioner, however, finds that any of the amount which has been mentioned in the counter affidavit has not been credited either in her account or in the account of her husband, she may point out this fact by filing a representation to the Registrar of the Patna University and the Registrar of the Patna University will ensure not only its examination but also payment of any further admitted amount found payable to the petitioner be made within a period of one month from the date of filing of the representation by the petitioner. In the event, if the petitioner is not found entitled for any further payment that also be communicated by the Registrar of the Patna University while disposing of the representation of the petitioner within the same period of one month.

8. With the aforementioned observation and direction, this writ application is disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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