

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1463 of 2014

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Shamima Khatoon Wife of Late Dr. Abdul Alim Hilal, Permanent Resident
of Sidhique House Campus, Mohalla- Maharajganj, P.S. And District-
Jamui

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Higher Education Department, Govt. Of Bihar,
New Secretariat, Patna
3. The Vice-Chancellor, Lalit Narayan Mithila University, Darbhanga
4. The Registrar, Lalit Narayan Mithila University, Darbhanga
5. Finance Officer, Lalit Narayan Mithila University, Darbhanga
6. The Principal, Millat College, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate.

For the Respondent/s : Mr. S.A. Alam, SC-3.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

5 16-02-2015 Heard learned counsel for the parties as with regard to
the following relief prayed in this writ application:-

"(i) For issuance of an appropriate writ in the nature of certiorari for quashing para-8 of the Memo 1674 dated 16.08.2012, by which direction has been given for payment of arrears of pension + family pension in Retirement Benefit Statute as well as discriminatory from the similar clause given in para-4 of Memo No. 820 dated 23.09.2009 issued for Govt. employees .

(ii) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the Respondent authorities to make payment the arrears of 50% merger of D.R. in basic pension w.e.f. 1.1.2005 to March 2007 as well as difference of arrears of pension



w.e.f. 1.4.2007 to July 2012 due to revision in revise scale effective from 1.1.96 (Notionally) actual payment whereof is to be made w.e.f. 1.4.2007 with panel interest thereupon atleast 5% per Annum, that too after supplying the details of such calculation to the husband of the petitioner in advance, having made payment in view of Para-4 of the Memo No. 820 dated 23.9.2009 which is inconsonance with the Article-16 of the Retirement Benefit Statute."

2. At the outset, learned counsel for the petitioner has submitted that he is not pressing the relief sought in para 1(i) of the writ application as the issue therein has been decided by this Court against the petitioner. In that view of the matter, this writ application, so far it relates to relief contained in para 1(i), is hereby dismissed.

3. Coming to the remaining relief made in para 1(ii) of the writ application, learned counsel for the parties agree that as on date each and every employee of the University is being paid only 40% of the admissible amount and the rest 60% will be paid on receipt of the fund from the State Government. Though, learned counsel for the petitioner had sought to rely on the government letter dated 16.08.2012 particularly its paragraph no. 8, but then he could also not show that anyone in the University has been paid the amount beyond 40% for the present on account

of financial crunch.

4. In that view of the matter, this writ application is disposed of with a direction to the respondent University to make payment of 40% amount in respect of relief no. 1(ii) within a period of one month from the date of receipt of a copy of this order and the remaining 60% amount would be paid to the petitioner strictly in accordance with law based on the date of retirement of the husband of the petitioner. In other words, the persons, who have retired before the husband of the petitioner, shall be paid earlier 60% of the amount, but then when the turn of the petitioner will come for receiving such payment, she shall also be paid such 60% of balance amount before making payment of any one, who has retired after the husband of the petitioner.

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

(Mihir Kumar Jha, J)

Sujit/-

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