

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4422 of 2014

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Pratima Jha Wife Of Late Bal Krishna Jha Resident Of Jai Prakash Nagar,
College Chowk, Purnea, P.S. Khazanchi Hatt, District - Purnea

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government Of Bihar, Patna
3. The Director, Higher Education, Government Of Bihar, Patna
4. Bhupendra Narayan Mandal University, Madhepura Through The Vice Chancellor
5. The Vice - Chancellor, Bhupendra Narayan Mandal University, Madhepura
6. The Registrar, Bhupendra Narayan Mandal University, Madhepura
7. The Finance Officer, Bhupendra Narayan Mandal University, Madhepura
8. The Principal, Purnea College, Purnea

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 06-07-2015 Heard learned counsel for the parties.

Having regard to the fact that it is the widow petitioner who stands deprived of payment of gratuity and leave encashment of her deceased husband, this Court is not inclined to accept the explanation given in the counter affidavit filed today that the fund has been requisitioned for the purposes of making payment of leave encashment and gratuity to the petitioner. It is not the case of the university that anyone retiring or dying after the husband of the petitioner has not been paid and



in fact Mr. Raju Giri frankly concedes that payment to others have been made having the date of retirement or death, after the date of death of the husband of the petitioner.

This Court would therefore direct the Vice Chancellor and Registrar of the B.N. Mandal University, to ensure that whatever amount of gratuity and leave encashment to the husband of the petitioner is found payable, that must be paid to the petitioner within a period of one month from the date of receipt of this order.

As with regard to arrears of provident fund, since, Mr. Giri has taken a stand that necessary orders have already been issued by the University to the Principal of the College to make payment of the amount of provident fund of the husband of the petitioner, this Court would also direct the Principal of the College to ensure that such payment of arrears of provident fund with upto date statutory interest must be paid to the petitioner within a

period of one month from the date of receipt of this order.

It is made clear that the Principal of the College will have no defence that he does not have fund for making payment of such amount of provident fund and such amount must be paid to the petitioner within the aforementioned period of one month.

Similarly, when the petitioner has also not been paid the amount of group insurance of her husband and if a direction to this effect has already been issued by the University to the Principal of the College for making such payment, that also must be paid to the petitioner within the aforesaid period of one month.

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

(Mihir Kumar Jha, J)

Ranjan/-

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