

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3897 of 2015

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Angoori Fatima Wife of Late Muzaffar Alam, Resident of village-
Mohammadpur, P.S.- Kamtaul, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. The L.N. Mithila University, Darbhanga, through its Registrar
5. The Vice-Chancellor, L.N. Mithila University, Darbhanga
6. The Registrar, L.N. Mithila University, Darbhanga
7. The Finance Officer, L.N. Mithila University, Darbhanga
8. The Principal, C.M. Science College, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Yugal Kishore, Sr. Adv, Mr. Y. Prasad, & Nutan Sahay, Adv
For the University	:	Mr. A.B. Sinha, Adv & Mr. Chandra Mohan Singh, Adv.
For the State	:	Mr. SC20-Dr. A.K. U Padhyaya with Mr. Naresh Prasad, AC to SC 20.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 24-03-2015 Heard learned counsel for the parties.

The petitioner in this writ application has only two fold grievance i.e., as with regard to payment of enhanced amount of gratuity and the arrears of pension from 01.04.2007 which was payable to her husband, late Muzaffar Alam, teacher of L.N. Mithila University (hereinafter referred to as the University). Learned



counsel for the University has submitted that the issue as with regard to payment of enhanced amount of gratuity with reference to the cut off date adjudicated before this Court and now it has been decided that such amount would be payable from 01.04.2007 and therefore, the University shall be making payment of the enhanced amount of gratuity to the petitioner within a period of three months from the date of receipt of this order.

As with regard to the remaining enhanced amount of arrears of pension from 01.04.2007 onwards, learned counsel for the University has submitted that alike all others even the petitioner has been paid 40 per cent of the amount and the payment of remaining 60 per cent shall be made in accordance with priority list based on the date of retirement.

In that view of the matter, this application is disposed of with the following directions:-

(i) The payment of enhanced amount of gratuity must be made within a period of three months from the

date of receipt of this order of course after deducting the amount of gratuity already paid to the petitioner.

(ii) The balance amount of arrears of pension from 01.04.2007 shall be paid to the petitioner from the date, on which, any of the person, retiring after the date of retirement of the husband of the petitioner would be paid such amount of arrears. In other words, the payment of balance of 60 per cent of arrears of pension to the petitioner shall be made on the basis of University realizing the payment strictly as per the date of retirement of the employee concerned.

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

(Mihir Kumar Jha, J)

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