

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13940 of 2007

=====

Most. Sita Devi, Wife of Late Ram Swaroop Sharma, Son of Late Deo Nandan Sharma, resident of Village- Ismailpur, P.S. Ghosi, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Department of Finance, Bihar, Patna.
2. Vice Chancellor, Magadh University, Bodh Gaya.
3. Registrar, Magadh University, Bodh Gaya.
4. The Finance Officer, Magadh University, Bodh Gaya.
5. The Principal, A. N. College, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 03-03-2016

Heard learned counsel for the parties.

It appears that the admitted dues of the late husband of the petitioner have been paid.

However, learned counsel for the petitioner submits that he retired in the year 1996 and payments have been made as late as 2008. He submits that for no fault of his the admitted due payable much earlier were withheld without any justification and he may be suitably compensated.

Learned counsel for the University submits that due to the funds not being released by the State Government in time, such a situation has arisen and as and when the fund has been received, the petitioner was paid his dues.

Learned counsel for the State vehemently opposes the stand of the University and submits that it is not a fact that the State has been withholding the amount and rather from time to time grants were given to the University for making payment of

dues of its employee and never before the University has raised any grievance with regard to non sanction of fund.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the considered opinion of the Court, once it is not denied that the petitioner was not responsible for the delay in payment of retiral benefits to him, the concerned respondents cannot take the plea of paucity of fund. The Courts have held that pensionary benefits are not a bounty but property and are supposed to be paid in time, failing which the employee is entitled to interest.

In the aforesaid background and relying upon the decision of the Hon'ble Supreme Court in the case of **D.D. Tewari v. Uttar Haryana Bijli Vitran Nigam Ltd.** reported in **(2014) 8 SCC 894**, the writ petition stands disposed off holding the petitioner entitled to payment of interest from the date the dues became admissible and payable till the date of actual payment at the rate of 6% simple interest per annum to be paid within two months from the date of production of a copy of this order before the respondents no. 3 and 4, failing which the same shall carry interest at the rate of 10% and the extra burden of 4% interest shall be realized from the officers concerned for not making the payment within the stipulated time.

(Ahsanuddin Amanullah, J.)

P. Kumar

U			
---	--	--	--