

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5618 of 2015

=====

Pratibha, wife of Late Raj Kishore Yadav, resident of Professor's Colony,
Naugachiya P.O.- Makhatakia, P.S.-Naugachiya, District-Bhagalpur.

.... Petitioner

Versus

1. The Tilka Manjhi Bhagalpur University through its Vice Chancellor,
2. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur,
3. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur,
4. The Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur,
5. The Principal, G.B. College, Naugachia, T.M. Bhagalpur University.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Radha Raman Verma, Advocate

For the Respondent-University: Ms. Mallika Mazumdar, Advocate
Mr. Chandra Kant, Advocate

For the Respondent-AG : Mr. Kameshwar Gupta, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 21-12-2016

The relief prayed for by the petitioner in para of the
present writ application is as under:-

“1. That this is a petition for issuance of writ/order
or direction in the nature of mandamus for:

(i) Directing the respondent University to sanction
and make payment of the family pension which is
due from 7.8.2002 to 31.3.2007 with 50% merger
relief in revised pay scale w.e.f. 1.1.2005 and also



make payment for the difference of family pension in the revised pay scale w.e.f. 01.01.2006 which will be paid from 1.4.2007 onwards.

(ii) Further direction to the respondent University to give the benefit of advance increment due to the Ph. D degree which was qualified by the petitioner's husband in the year 1999 itself along with the difference of pay and D.A. from July, 1982 to 08.08.2002 with Ph. D benefits.

(iii) Directing the respondents to sanction Leave encashment of the petitioner's husband which is not sanctioned as yet.

(iv) For grant of any other relief or reliefs to which the petitioner is found entitled under Law as well as facts and circumstances of the case.”

2. The petitioner's husband died on 06.08.2002 while serving on the post of Reader in the English Department in the G.B. College, Naugachia.

3. It has been contended by the learned counsel for the petitioner that after death of the husband of the petitioner, the university started paying family pension to the petitioner along with other pensionary benefits. However, she has not been paid the difference of family pension which is due from 07.08.2002 to 31.03.2007 with 50% merger relief in revised pay scale with effect from 01.01.2005 and also payment of the difference of family pension in the revised pay scale with effect from 01.01.2006. He has



contended that the petitioner approached the University for the payment of the aforesaid arrears, but the authorities have failed to redress the grievance of the petitioner so far.

4. On the other hand, learned counsel for the Tilka Manjhi Bhagalpur University has submitted that the total claim extending the benefit of 50% merger effective from 01.01.2005 and also in revised scale of pay effective from 01.01.2006 under the head of arrears of difference of family pension for the period commencing from 07.08.2002 to 08.11.2015 comes to the tune of Rs. 12,72,093/- which is being finally audited by the Government Auditor and the payment as per the audited claim shall be made to the petitioner without delay. She has submitted that the monthly family pension of the petitioner has been fixed at the rate of Rs.13,290/- from August, 2012 in revised scale of 01.01.2006. She has submitted that as per the claim detail received from the college concerned, a sum of Rs.9,59,343/- only is to be paid to the petitioner as difference of salary for the period from July, 1982 to August, 2002. Out of the said claim of Rs. 9,59,343/- a sum of Rs. 7,06,391/- has already been paid to the petitioner and the remaining amount of Rs. 2,52,955/- is due for payment as per claim upto the status of payment of arrear of salary for which process is being made and the amount is likely to be paid to the petitioner soon after the audit.



5. Considering the submissions made on behalf of the parties, since the claim of the petitioner has not been disputed, I direct the respondents No. 2 to 5 to pay the entire admitted arrears under different heads within three months from today, failing which the unpaid amount would earn interest at the rate of 8% per annum from the date it became due till the date of its actual payment.

6. With the aforesaid observation and direction, the writ application is disposed of. However, there shall be no order as to costs.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	----
Uploading Date	23.12.2016
Transmission Date	-----

