IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6096 of 2015

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1. Smt. Sarojini Sinha wife of Late Mithilesh Kumar Sinha, at present resident of C/o Mr. Sanjay Kumar M-505-506 O.N.G.C. Colony Sunder nagar, Malad West Mumbai-64

.... Petitioner/s

Versus

1. The T.M.B. University through its Registrar
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 J R S College, Jamalpur, under TM Bhagalpur University, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shilpi Keshri

For the Respondent/s : Mr. Rajendra kumar Giri

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 21-12-2016

The prayer for the petitioner in para-1 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 difference of family pension in revised pay scale w.e.f. 01.01.2006 payable with effect from 01.04.2007 onward.

ii. Further direction to the respondent University to give the benefit of 50% merger in the Dearness relief in the basic pension of the petitioner from 1st January 2005 to 31.03.2007.

iii. For grant of any other relief to which the petitioner is found entitled under Law as well as facts and circumstances of the case."

2. A counter affidavit has been filed on behalf of Respondents No.1 to 4. In paras 5 and 6 of the counter affidavit, it has been stated as under :-

> "5. That the total admissible claim comes under the head of arrear of pension and family pension to the tune of Rs. 12,63,379/ for the period of 1/4/1997 to 28/2/2015 out of 12,63,379/ a sum of Rs. 10,30,478/- has been paid to the petitioner vide cheque no. 005233 dt 9/8/2015 and a sum of Rs. 2,32,901/ has been deducted and deposited under the head of income tax vide cheque no. 005234 dt 9/8/2015, now nothing is due under the head of arrear of pension.
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> 6. That it is pertinent to mention here that above stated admissible amount has been calculated after extending the benefit of 50% merger."

3. In view of the assertions made in paras 5 and 6 of the counter affidavit filed on behalf of Respondents No.1 to 4, learned counsel for the petitioner submits that the grievances of the petitioner have already been redressed.

4. In that view of the matter, the writ application is disposed of.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22-12-2016
Transmission Date	