

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16281 of 2015

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Pramod Kumar Sinha S/o Late Deo Narain Prasad, resident of Village - Rataitha,
P.S. Haveli Kharagpur, District - Munger, presently residing in Gorakhnath Lane,
Boring Road, Patna - 1, P.S. Buddha Colony, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Deptt. of Education, Govt. of Bihar,
2. The Principal Secretary, Deptt. of Education, Govt. of Bihar, Patna.
3. The Secretary, Higher Education, Deptt. of Education, Govt. of Bihar, Patna.
4. Magadh University through its Vice Chancellor, Bodh Gaya, District - Gaya.
5. The Vice-Chancellor, Magadh University, Bodh Gaya, District - Gaya.
6. The Registrar, Magadh University, Bodh Gaya.
7. The Finance Officer, Magadh University, Bodh Gaya, District - Gaya.
8. The Principal, B.D. College, (Earlier known as B.D. Evening College), Mithapur, Patna - 1 (a constituent unit of Magadh University, Bodh Gaya, District - Gaya).

.... Respondents

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Appearance :

For the Petitioner/s :	Mr. Arvind Kumar Sharma, Advocate
	Mr. Krishore Kumar Thakur, Advocate
For the State :	Mr. Sushant Praveer, Advocate
For the University :	Mr. Kumar Amitesh Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 23-06-2017

A supplementary counter-affidavit has been filed on behalf of respondent nos. 5 to 7 today. Let the same be kept on record.

2. The petitioner has filed the present writ application for issuance of a direction to the respondents for payment of difference amount of family pension, gratuity, leave



encashment and arrear of salary on account of promotion of his wife late Suvarna from Lecturer to Reader.

3. The petitioner's wife was teaching in B.D. College, Patna since 18.01.1984. She died on 05.04.2007 while working on the sanctioned post of Lecturer in B.D. College, Patna. Certain payments under heads family pension, gratuity, earned leave and group insurance were earlier paid to the petitioner. However, the petitioner's wife was granted promotion to the rank of Reader with effect from 28.05.1994 vide notification issued by the university dated 27.09.2011.

4. In view of the promotion granted with retrospective date to the deceased employee, the petitioner has claimed for calculation and payment of family pension in the promoted scale of Reader as also for payment of difference amount of gratuity, family pension, leave encashment and arrear of salary.

5. A counter-affidavit has been filed on behalf of respondent nos. 5 to 7 wherein it is stated that the family pension of the petitioner has been revised in new UGC pay-scale of Reader with effect from 05.04.2007 and fixed at Rs.15798/- per month. The arrear of family pension from 05.04.2007 to 30.11.2015 amounting to Rs.14,16,690/- has been found admissible and granted for payment in ten installments, i.e. Rs.1,41,669/- per



installment. The remaining installments have been directed to be paid at the interval of every two months. The death-cum-retirement gratuity amounting to Rs.10,00,000/- has been found admissible against which Rs.6,46,333/- was already paid to him earlier and balance amount of Rs.3,53,667/- has also been paid. The leave encashment for 161 days on revised UGC pay scale of Reader has been calculated and Rs.2,94,019/- has been found admissible against which Rs.1,15,390/- was already paid earlier. The balance amount of Rs.1,78,628/- has also been paid. It is stated that all the aforementioned payments were made through P.P.O. No. 2797/2008 under letter No. Fen/Pen/1168/2016 dated 28.07.2016.

6. It is further stated in the aforementioned counter-affidavit that arrear of salary due to promotion to the rank of Reader from April 1994 including revised UGC pay scale has been calculated by the college and a bill amounting to Rs.8,67,029/- has been forwarded to the university. In turn, a cheque bearing No. 041267 dated 14.06.2017 amounting to Rs.8,67,029/- has already been issued in favour of Principal, B. D. College, Patna and a direction for payment of the amount to the petitioner has already been given to the college, vide letter No. Fin/Sal/2017 dated 16.06.2017.

7. On the basis of aforesaid contentions advanced



in the counter-affidavit, learned counsel for the University submitted that since the grievances of the petitioner have been redressed, the writ application may be disposed of.

8. Replying to the aforementioned submissions, learned counsel for the petitioner submitted that the petitioner does not dispute the contentions advanced in the counter-affidavit. However, before disposing of the writ application, a direction be issued to the Principal, B.D. College, Patna to make payment of the aforementioned amount of Rs.8,67,029/- to the petitioner without delay.

9. In view of the aforementioned submission, with the consent of the parties, the writ petition is disposed of with a direction to the Principal, B.D. College, Patna (respondent no.8) to make payment of the aforementioned amount of Rs.8,67,029/- to the petitioner within one month from the date of receipt/production of a copy of the order. The remaining installments of family pension shall also be paid to the petitioner in terms of the direction issued by the university noted, hereinabove.

(Ashwani Kumar Singh, J.)

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