

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23436 of 2011

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Smt. Usha Kumari W/O Late Ram Eqbal Singh At Present Residing At
Quarter No. Old C/2-35, Pusa Campus, P.S.- Pusa, District- Samastipur

... .. Petitioner/S

Versus

1. The Rajendra Agricultural University Through Its Registrar Having Office At
Pusa, Samastipur
2. The Vice-Chancellor, R.A.U., Pusa, Samastipur
3. The Director, Administration, Rau, Pusa, Samastipur
4. Aman Kumar S/O Late Ram Eqbal Singh R/O Village- Dariapur, P.O.-
Fakharpur, P.S.- Karpi, Distt.- Jehanabad, At Present Residing At C/O
Bimilesh Kumar Chaudhary, Primary Health Centre, Pusa, Block, P.S.- Pusa,
Distt.- Samastipur
5. Aswini Kumar S/O Late Ram Eqbal Singh R/O Vill.- Dariapur, P.O.-
Fakharpur, P.S.-KARPI, District- Arwal
6. Archana Kumari W/O Sri Manoj Kumar, D/O Late Ram Eqbal Singh R/O
Vill.- Mishroulia, Distt.- Jehanabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sri Niwas Jha, Advocate
For Resp. No.4	:	Mr. Sunil Kumar, Advocate
		Mr. Navin Sharma, Advocate
For the University	:	Mr. Chandra Mohan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 25-06-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the University as well as
Respondent No.4.

The petitioner has filed the present writ petition for
quashing the order dated 12.9.2011 passed by the Rajendra
Agriculture University, whereby 25% of the pay and pension
payable to the late Ram Eqbal Singh, deceased employee-husband
of the petitioner has been ordered to be deducted from the due
amount.



From the materials available on the record, it appears that succession certificate was issued on the basis of the compromise between the parties and in terms of the compromise and succession certificate the Vice-Chancellor of the University has taken the decision.

In view of the above, the Court does not find any infirmity in the action of the University directing distribution of the pay and pension of the deceased employee, late Ram Eqbal Singh among the successors on the basis of the succession certificate issued by the District Court, Samastipur in Succession Case No. 25 of 2003.

The other grievance relates to penal rent. The husband of the petitioner died on 19.4.2002 and the Regulation with regard to penal rent was introduced in the Rajendra Agriculture University in the year 2007.

In view of the fact that Regulation was operative from 2007, the deduction prior to the Regulation is impossible and as such the University is hereby directed to refund the amount recovered in the name of penal rent from the dues payable to late Ram Eqbal Singh.

In view of the above, the writ petition is disposed of with the direction to the Rajendra Agriculture University to refund



the amount recovered from the dues payable to the heirs of late Ram Eqbal Singh in the name of penal rent, if not already refunded within a maximum period of three months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.06.2018
Transmission Date	

