

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 6853 of 2018

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Basanti Das, W/o Late Umakant Das, R/o Village- Kamarshal, P.S.- Chakulia,
P.O.- Thakurbari, District- Uttar Dinajpur (West Bengal).

.... Petitioner/s

Versus

1. B. N. Mandal University, Lalu Nagar, Madhepura through its Vice Chancellor.
2. Vice Chancellor, B. N. Mandal University, Lalu Nagar, Madhepura.
3. Registrar, B. N. Mandal University, Lalu Nagar, Madhepura.
4. Finance Officer, B. N. Mandal University, Lalu Nagar, Madhepura.
5. Principal, Marwari College, Kishanganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Gupta, Advocate

For the University : Mr. Md. Aslam Ansari, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 17-09-2018

Heard learned counsel for the petitioner and B. N.
Mandal University (hereinafter referred to as the ‘University’).

2. The petitioner has moved the Court for the following
reliefs:

*“For direction to the Vice Chancellor
of the B N Mandal University (R-2) to make
payment of pensionary benefits to the
petitioner such as gratuity, leave encashment,
group insurance, arrears of pension from
Aug. 2013 to Oct. 2015 with interest which
was payable to her deceased husband who
died on 02.08.2013 while working as Lab Boy*



in the department of Chemistry, Marwari College, Kishanganj minus Rs. 8,28,782 already paid to her on 09.09.2017.

Further, any other order(s) may be passed, direction(s) given or relief(s) granted which the petitioner is entitled to in the facts and circumstances of the case.”

3. The petitioner's husband died in harness on 02.08.2013, as Laboratory Boy in the Chemistry Department, Marwari College, Kishanganj. The petitioner being a widow did not receive any death-cum-retiral benefits. She moved the Court in C.W.J.C. No. 1150 of 2017, in which the Lok Adalat of the High Court on 09.09.2017, taking note of the fact that some dues have been paid observed that the University will take steps for payment of the remaining dues, when the matter was directed to be listed in the next Lok Adalat. On 09.12.2017, the case was disposed off observing that payment with regard to Gratuity, Leave Encashment, Group Insurance and arrears of Family Pension would be made within a period of two months. When the same was also not paid, the petitioner again moved this Court in the present writ petition.

4. It appears that in May, 2018, Group Insurance was paid but with regard to arrears of Pension, Gratuity and Leave Encashment, though a cheque of Rs. 2,87,778/-, has been prepared, but not signed by the Registrar of the University, as he is on leave.



The Court finds the situation to be unfortunate. A widow whose husband died in harness from a low post being made to repeatedly come to the Court for her genuine dues and despite the fact that various orders are passed, the same remain uncomplied and even today actual payment has not been made.

5. In view thereof, the Court relying upon a decision of the Hon'ble Supreme Court in the case of **D. D. Tewari v. Uttar Haryana Bijli Vitran Nigam Ltd.**, reported as **(2014) 8 SCC 894**, holds the petitioner entitled to 9% per annum simple interest on the delayed payment from the date it became due till the date of actual payment. The same be paid to her within one month from the date of production of a copy of the order before the Registrar of the University. The cheque of Rs. 2,87,778, shall also be given to the petitioner without any delay.

6. Moreover, the petitioner shall be at liberty to make a representation before the Registrar of the University, if she feels any further amount remains to be paid or if there is any error in making any payment. If such representation is filed within four weeks from today, the Registrar shall look into the matter and get it verified from the records and pass a reasoned order within four weeks from the date of filing of the representation. If anything further is found payable to the petitioner, the same shall also be paid to her within



three weeks from the date of passing of the order.

7. The writ petition stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

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