

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10297 of 2015

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Mosmat Dharmasheela Devi Wife of Late Dr. Vimal Kumar Resident of village
- Hirapatti, P.S. Laukahi, District - Madhubani Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Higher Education
Department, Govt. of Bihar, Patna
 2. The Director (Higher Education) Government of Bihar, Patna
 3. The Director, Rural Institute of Higher Studies at Birauli, P.S. Pusa, District -
Samastipur
 4. The Accountant General, Birchand Patel Marg, Bihar, Patna
- Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha, Adv.
For the Respondent/s : Mr. Sunil Kumar, AC to GA12
For the A.G. : Mr. Rabindra Kumar Priyadarshi, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 04-02-2019

Heard Mr. Kripa Nand Jha, learned counsel for the
petitioner, Mr. Sunil Kumar, learned AC to GA-12, for the State
and Mr. Rabindra Kumar Priyadarshi, learned counsel for the
Accountant General.

The petitioner prays for the following relief:

“(i) For issuance of an appropriate direction, order or writ in
the nature of Mandamus commanding the respondents to
pay the arrears and current pension and gratuity to the
petitioner w.e.f. August, 2004 i.e. after the death of her Late
husband Dr. Vimal Kumar who died in harness while
working on the post of Professor in the Rural Institute of
higher studies at Birauli, Samastipur.

(ii) For holding and declaring that the petitioner is entitled to
get the family pension after the death of her late husband in



view of the fact that the other employees of the institute has been allowed pension.

(iii) For any other relief/ reliefs to which the petitioner may be found entitled to in the facts and circumstances of this case.”

In the nature of the opinion that we have expressed in L.P.A.No. 8/2015 the writ petition has to be allowed and the concerned respondent authorities are directed to accord the terminal benefits to the writ petitioner, who is the widow of the employee of the institute, who died in harness in July, 2004 as found admissible to her.

Let the concerned respondents consider the admissibility of superannuation benefits viz. family pension, gratuity, provident fund and unutilized leave to which the writ petitioner is found entitled and make payment of the same within three months from the date of receipt/ production of a copy of this order.

The writ petition is allowed with the directions above.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.02.2019
Transmission Date	NA

