

IN THE HIGH COURT OF JUDICATURE AT PATNA
C.W.J.C. No. 3207 of 2019

Vimla Devi, wife of Late Mishri Mandal, resident of village-Baluha, P.O.-
 Bhagwatipur, P.S.-Pandaul, District-Madhubani.

... .. Petitioner

Versus

1. The State of Bihar the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The Additional Commissioner-cum-Secretary, Education Department,
Government of Bihar, Patna.
4. The Additional Secretary, Education Department, Government of Bihar,
Patna.
5. The Joint Secretary, Education Department, Government of Bihar, Patna.
6. The Director (Administration), Education Department, Government of
Bihar, Patna.
7. The Director (Establishment), Education Department, Government of
Bihar, Patna.
8. The Director, Higher Education, Education Department, Government of
Bihar, Patna.
9. The Joint Director, Higher Education, Education Department, Government
of Bihar, Patna.
10. The Accountant General (Accounts and Entitlement), Mahalekhar
Bhawan, Birchand Patel Marg, R. Block, Patna.
11. The Deputy Accountant General (Accounts and VLC), Mahalekhar
Bhawan, Birchand Patel Marg, R. Block, Patna.
12. The Deputy Accountant General (Gazetted Entitlement), Mahalekhar
Bhawan, Birchand Patel Marg, R. Block, Patna.
13. The Director Mithila Sanskrit Research Institute, Darbhanga.
14. Dr. Deo Narayan Yadav, the Director Mithila Sanskrit Research Institute,
Darbhanga.

.. ... Respondents

Appearance :

For the Petitioner : Mr. Manish Kumar No.13 Advocate
 Mr. Rohit Kumar No.5, Advocate
 For the Respondent State: Mr. Subhash Chandra Mishra, S.C.-16

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
 SINGH**

ORAL ORDER

5. 07-09-2020 Petitioner's husband was an employee of Bihar Inter-



University Board, who died in harness on 19.08.2005. This writ application has been filed in 2019 seeking a direction to the respondents to pay to her all death-cum-retiral benefits including family pension consequent upon the death of her husband. Making of repeated representations/applications is the only explanation available in the writ application for delay of 14 years in approaching this Court. The petitioner's son has been given compassionate appointment as has been stated in the writ application. There is no averment in the writ application as to how the petitioner is entitled for family pension and whether the service of the petitioner's deceased husband was pensionable.

2. A counter affidavit has been filed on behalf of the State of Bihar. This is not in dispute that the Board was dissolved consequent upon repeal of Bihar State Inter-University Board Act, 1981 (hereinafter referred to as 'the Act'), by a repeal Act of 2007. The counter affidavit has been filed on behalf of the respondent State of Bihar stating, *inter alia*, that the employees of the Board were not entitled for pension/family pension and though the Board had resolved to amend the Rules exercising power under Section 9 of the Act and had recommended for extending benefit of provident fund-cum-pension-cum-gratuity scheme for its employees, the said recommendation/proposal of the Board was not approved by the



State Government. It has been stated that the petitioner is entitled for payment of provident fund amount, cash equivalent to unutilized earned leave and gratuity only. In respect of gratuity, it has been stated that on examination, it has been found that total sum of Rs.75,590/- was legally admissible to the petitioner, which had remained unpaid by the Board. It has been stated that the said amount shall be paid to the petitioner as soon as necessary fund is allotted in this regard.

3. Considering the admitted fact that a sum of Rs.75,590/- has been found to be payable to the petitioner against gratuity, this application is disposed of with a direction that let the said amount be paid to the petitioner positively within two months from the date of receipt/production of a copy of this order.

4. Since there is absolutely no justification given in the counter affidavit as to why the due amount of Rs.75,590/- remained unpaid, the Court considers it appropriate to direct payment of simple interest @ 6% per annum from the date when the said amount became legally due and admissible to the petitioner till the date of its actual payment. The principal amount with interest must be paid within the aforesaid period of two months, failing which the respondents shall be obliged to pay a further interest @ 9% per annum.



5. This application is accordingly allowed.

6. There shall be no order as to costs.

(Chakradhari Sharan Singh, J)

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