

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21351 of 2018

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Savita Singh Wife of Late Surendra Singh, Resident of Savita Villa, Sainik Colony, Danapur, Gola Road, Police Station- Danapur, District- Patna.

1.

... ... Petitioner

Versus

1. Patna University through its Registrar, Patna University, Patna
2. The Vice Chancellor, Patna University, Patna.
3. The Registrar, Patna University, Patna.
4. The Financial Advisor, Patna University, Patna.
5. The Finance Officer, Patna University, Patna.
6. The University Engineer, Office of the University Engineer, Patna University, Patna.
7. The Examination Controller, Patna University, Patna.
8. The State of Bihar through the Principal Secretary, Education Department, Higher Education, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.

... ... Respondents

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Appearance:

For the Petitioner	: Mr. Surya Swetabh, Advocate
For the State	: Mr. Sanjay Kumar AC to GP 23
For the University	: Mr. Anand Kumar Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 08-07-2020

Heard learned counsel for the petitioner and learned counsel for the respondents through video conference.

2. The present writ petition has been filed for the following reliefs as formulated by the petitioner –

“(i) For issuance of appropriate writ/writs, preferably in the nature of mandamus commanding the respondents to pay the pending death-cum-retiral benefits/dues which include full amount of Gratuity, Leave Encashment etcetera to the petitioner, who is the wife of Late Surendra Singh, who was a Professor cum Head of the Department of Botany, Patna University, who



retired/superannuated from the service on 30.06.2017, still he was not paid any post retirement benefits except his pension, for which he was so badly harassed by the employees of the respondent University that he suffered brain hemorrhage and died on 31.01.2018;

(ii) For issuance of appropriate writ/writs, preferably in the nature of certiorari, to quash the Letter No. 309/UE dated 19.03.2018 (Annexure-3) issued by Patna University along with the Certificate of No Dues dated 05.05.2018 (Annexure-4) issued by the office of University Engineer, charging Rs. 2,09,322/- as Penal Rent to be recovered from the account of deceased husband of the petitioner, which amount has been illegally deducted from the amount of Gratuity payable to the petitioner by the respondent authorities and for issuance of further direction to the respondents to refund back the amount deducted as penal rent, to the petitioner;

iii) For issuance of appropriate writ/writs, preferably in the nature of certiorari, quashing the decision of the respondent University to charge Rs. 1,25,957/- (which amount has been illegally deducted from the amount of Gratuity paid to the petitioner) as dues of Examination Advance (Annexure-6), which has been illegally charged on the deceased husband of the petitioner and with the further prayer to direct the respondents to refund back the same amount to the petitioner;

iv) For issuance of writ/writs in the nature of mandamus directing and commanding upon the respondents to pay interest on delayed payment of the said benefits to the petitioner;

v) For issuance of any other writ/writs, order/orders,



direction/directions for which the petitioner may be deemed entitled to under the facts and circumstances of the case.”

3. Learned counsel for the petitioner states that consequent upon superannuation of her husband from service on 30.06.2017 and subsequent death on 31.01.2018, she became entitled to receive the various retiral benefits payable to her late husband. It is stated that the payments in question have since been made, subject to deduction by way of penal rent out of Gratuity, which is accepted by her. It is however stated that payments by way of Gratuity and Leave Encashment have been made after some delay in respect of which the petitioner ought to be compensated with appropriate interest.

4. Learned counsel for the State and respondent-University appear and have been heard.

5. Having regard to the nature of the grievance of the petitioner, the writ petition is disposed of, granting liberty to the petitioner to file an appropriate representation before the Registrar, Patna University, Patna (Respondent No. 3) with her claim for interest on the delayed payments of Gratuity and Leave Encashment. If any such representation is filed within a period of two weeks hereof, the same shall be considered and disposed of on its own merits in accordance with law and after grant of an opportunity of hearing to the petitioner expeditiously and in any event preferably within a period of eight weeks thereafter.

6. It is also made clear that in view of the ongoing lockdown and Covid-19 pandemic, any correspondence between the parties may be made through email and that the concerned authority shall be at liberty to hear the petitioner through video conference. To enable the same, the petitioner shall furnish her mobile number and email ID to learned counsel appearing on



behalf of the University not later than by Friday, the 10th July, 2020, for its onward transmission to the concerned authority.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	09.07.2020
Transmission Date	-

