

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23173 of 2019

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Bilquees Bano Wife of Late Musrur Ahmed, resident of Ward no. - 2, Rural Institute Birauli, Malpur, Police Station- Pusa, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Old Secretariat, Government of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. The Director, Rural Institute of Higher Studies at Birauli, P.s. - Pusa, District- Samastipur.
5. The Accountant General, Bihar, Birchand Patel Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suraj Narain Yadav
For the State	:	Mr. Amit Bhushan AC to GP17
For the Respondent No.4 :		Mr. Shashi Bhushan Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 03-09-2020 Heard both sides.

The petitioner is widow of Late Musrur Ahmad, who was working as Lecturer in Rural Institute of Higher Studies, Biraul, Pusa and he retired from service and died. The petitioner, in this writ petition, seeks direction to the respondents to pay all the retiral dues, difference of salary on account of grant of ACP and several other in service benefits.

Respondent No.1 to 3 have filed counter affidavit. Respondent No.4 has also filed counter affidavit. The respondent No.4 has stated in the counter affidavit that vide letter No. 91 dated 28.10.2018 request was made to the State Government to provide fund so that payment of difference of salary, PF and Leave Encashment could be made. It is further



stated that leave encashment amounting to Rs. 5,34,837/- is to be paid within one week. Similarly, payment in the head of GIC is likely to be made within one week. All retiral dues could not be paid to the petitioner only due to non availability of fund. If fund is made available to respondent No.4, all the retiral dues including the difference of salary on account of grant of ACP to the husband of petitioner shall be paid.

Having considered the facts and submission of both sides, I dispose of this writ petition with a direction to the respondent No. 1 to 3 to release the necessary fund for payment of retiral dues of the husband of petitioner in favour of respondent No.4 within three months from the date of receipt of this order and on such respondent No.4 is directed to make payment forthwith to the petitioner if still any admitted retiral dues or any other dues are still lying due.

With the aforesaid direction, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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