

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6749 of 2019

1. Maharudra Jha Son of Late Munindra Jha Resident of Village-Parsouni, P.S.-Bisffi, Distt.-Madhubani.
2. Raghubir Mochi Son of Late Faudar Mochi Resident of Village-Lawani, P.S.-Ghorasahan, Distt.-Madhubani.
3. (i) Savita Sinha, wife of Late Shashidhar Narayan Sinha
(ii) Samvedana Kumari, D/o- Late Shashidhar Narayan Sinha
(iii) Santosh Kumar, s/o- Late Shashidhar Narayan Sinha,
All Residents of Village-Karhara, P.S.-Bheja (Madhepur), Distt.-Madhubani.
4. Ugra Nath Jha Son of Late Ayodhya Jha Resident of Village-Mangrauni, P.S.-Madhubani, Distt.-Madhubani.
5. Raj Kumar Jha Son of Late Yugeshwar Jha Resident of Village-Malin Balha, P.S.-Lokha, Distt.-Madhubani.
6. Ramesh Chandra Son of SRi Ramchandra Jha Resident of Village-Nawada, P.S.-Bahera, Distt.-Darbhanga.
7. Bundeo Thakur Son of Late Ranjee Thakur Resident of Village-Kharika, P.S.-Bidupur, Distt.-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Finance Commissioner, Govt. of Bihar, Patna.
4. The Director, Higher education, Govt. of Bihar, Patna.
5. Maithili Academy, Through its Chairman Cum Director, Patna, 740/800, Lalbahadur Shastri Nagar, Patna-23.
6. The Chairman Cum Director, Maithili Academy, 740/800, Lalbahadur Shastri Nagar, Patna-23.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Satish Chandra Jha 3
For the Respondent/s : Mr.Binita Singh (Sc28)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 04-02-2021

Re. I.A. No. 1 of 2020

The present interlocutory application has been filed
for substituting the name of legal heirs and representatives of



petitioner no. 3 namely Shashidhar Narayan Sinha who died leaving behind the heirs and legal representatives mentioned in paragraph no. 2 of the present application.

For the reasons stated in the interlocutory application and the submissions made in support thereof, I.A. No. 1 of 2020 is allowed.

Let the name of petitioner no. 3 be deleted from the array of parties and in his place, heirs and legal representatives of deceased petitioner no. 3 be added as petitioner nos. 3(i) to 3(iii) to this writ application.

Heard the parties.

Following reliefs have been sought for in paragraph no. 1 of the present application on behalf of the petitioner:

“1(i) To direct the respondents to make payment of retiral benefits i.e. Gratuity and leave encashment to the petitioners in proper revised scale along with suitable interest thereon, because petitioners retired from service much earlier, however till date aforesaid retiral benefits, which is only source of their livelihood, has not been paid, by the respondents, reason best known to them.

(ii) To direct the respondents to make payment all due amounts of the petitioners in proper revised scale, along with interest thereon and litigation cost for their harassment and mental agony at the hands of respondents.

(iii) That the Hon’ble court may be pleased to grant any other relief or reliefs to the



petitioners, as this Hon'ble court thinks it proper in the present facts and circumstances of this case.”

A show cause has been filed on behalf of respondent no. 6 in which following statements have been made in paragraphs 3 and 4:-

“3. That, it is relevant to mention here that the respondent academy has already been paid 65 % of the received amount and difference salary arrear paid to working and retired employees i.e. Rs. 1,02,00,000/- from the Government of Bihar to the retired employees of the respondent Academy in the light of the interim order passed by the Hon'ble Court and the rest amount has been spent to the salary of the working employees of the respondents academy, so far as the 17,50,000/- is concerned that it is not in the head of salary.

4. That it is pertinent to mention here that the Respondent Academy is an autonomous body and payments of salary and other benefits to the working employees as well as retired employees after getting annual grant (non-planning) from the education department of the Govt. of Bihar.

It appears that some payments have already been made by the respondent and for the remaining payments, it has been stated that the same will be paid as the funds will be made available by the State Government.

The show cause filed on behalf of respondent no. 6 is accepted.

Learned counsel for the State submits that the required



funds will be made available to the Academy (respondent no. 6).

Considering the same, no further order is required to be passed in the present writ application.

The present writ application stands disposed of.

(Sudhir Singh, J)

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