

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6346 of 2021

- 1.1. Leela Devi, Wife of Late Ishwar Dayal Singh, Resident at Lila Bhawan, Road no.- 14, Rajiv Nagar, Keshri Nagar, Phulwari, Patna- 800024.
- 1.2. Anil Kumar Singh, Son of Late Ishwar Dayal Singh, Resident at Lila Bhawan, Road no.- 14, Rajiv Nagar, Keshri Nagar, Phulwari, Patna- 800024.
- 1.3. Pramod Kumar Vidyarthi, Son of Late Ishwar Dayal Singh, Resident at Lila Bhawan, Road no.- 14, Rajiv Nagar, Keshri Nagar, Phulwari, Patna- 800024.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department Government of Bihar Patna.
2. The Principal Secretary, Education Department Government of Bihar Patna.
3. The Director Higher Education, Government of Bihar Patna.
4. The Vice-Chancellor, Magadh University, Bodh Gaya.
5. The Registrar, Magadh University, Bodh Gaya.
6. The Finance Officer, Magadh University, Bodh Gaya.
7. The Principal, Rameshwar Das Panna Lal Mahila Mahavidyalaya Patna City.
8. The Vice-Chancellor, Patliputra University, Patna.
9. The Registrar, Patliputra University, Patna.
10. The Finance Officer, Patliputra University, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar, Advocate
For the Respondent/s	:	Mr. Ashutosh Ranjan Pandey, AAG-15
For the Resp-MU	:	Mr. Harsh Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

13 21-11-2024

Heard the parties.

2. The petitioners have been compelled to approach before this Court for redressal of their grievance with respect to payment of 25% of remaining Gratuity amount which has been kept withheld in the name of verification of pay slip at the level of the State officials. The petitioners are also aggrieved with the



non-payment of 116 days of earned leave in favour of the erstwhile employee.

3. Learned counsel for the petitioners contended that the erstwhile employee superannuated on 31.08.2016 as re-designated Demonstrator from the Department of Physics of Rameshwar Das Panna Lal Mahila Mahavidyalaya Patna City. During the pendency of the writ petition, the original petitioner died and in his place, legal heirs have been substituted. Despite the lapse of more than eight years, the admissible benefit of the erstwhile employee could not be made available and now without getting the fruit of his hard earned money, he left for heavenly abode. It is also contended that despite submission of the requisite document(s), family pension has also not been accorded to the petitioners.

4. Counter affidavits have been filed on behalf of the State as well as the University with a contention that till date, the pay verification has not been done and, as such, the respondents are not in a position to extend the benefit of remaining gratuity and leave encashment.

5. In compliance with the order of this Court, a supplementary affidavit has been filed, wherein it is categorically averred that pay verification has already been done



and a certificate in this regard has already been issued on 07.10.2024. The Registrar, Magadh University Bodh Gaya, has been requested to do the needful action (for payment), the copy of which has been brought on record as Annexure P/7 to the supplementary affidavit.

6. Adverting to the aforesaid facts, learned counsel for the petitioners submitted that there is delay and laches on the part of the respondent authorities in issuance of the pay verification certificate and, as such, in any circumstances, the petitioner is entitled to get interest over the remaining admissible amount under the Gratuity and the leave encashment.

7. Learned counsels for the State and the University contended with all fairness that since the pay verification certificate has already been issued, the admissible benefit(s) shall be accorded to the petitioners in accordance with law.

8. Having considered the limited grievance of the petitioners and the averments made in the supplementary counter affidavit to the effect that the pay verification slip has already been issued by the Education Department, this Court deems it apt and proper to direct the respondent no.5, the Registrar, Magadh University Bodh Gaya to make proper calculation of the amount of Gratuity as well as leave



encashment in terms of the pay verification certificate and ensure payment of admissible amount along with statutory interest over it, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

9. Suffice it to observe that the erstwhile employee had already superannuated way back in the year 2016 and now he has also died during the pendency of the writ petition, the respondent authorities must adhere to the time limit as prescribed by this Court, failing which the petitioner shall also be entitled to get penal interest @12% over the delayed payment.

10. In the meantime, the respondent authorities shall also take steps to extend the family pension in favour of the wife of the deceased petitioner.

(Harish Kumar, J)

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