

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17557 of 2022

Meena Jha Wife of Late Dr. Paspas Nath Jha, Resident of Mohalla - Hanuman Nagar (Stadium Road), Police Station - Madhubani Sadar, District – Madhubani. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Higher Education, Government of Bihar, Patna.
2. The Vice-Chancellor of L.N. Mithila University, Darbhanga.
3. The Registrar, L.N. Mithila University, Darbhanga.
4. The Finance Officer, L.N. Mithila University, Darbhanga.
5. The Principal, R.K. College, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Bhagat, Advocate
For the Respondent/s	:	Mr. Madan Jeet Kumar, GP-20
		Mr. Rajeev Ranjan, AC to GP-20
For the LNMU	:	Mr. Shailesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 30-01-2024

Heard Mr. Arun Kumar Bhagat, learned counsel appearing on behalf of the petitioner and Mr. Shailesh Kumar, learned counsel for the Lalit Narayan Mithila University (LNMU). The state is represented by Mr. Rajeev Ranjan, learned counsel.

2. The petitioner by invoking the extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India has filed the present writ petition seeking a direction upon the respondents to ensure all the death-cum-retiral dues of her husband, late Paspas Jha, who died in harness on 27.10.2018, while working as Professor in the Department of Chemistry, R. K. College, Madhubani, a constituent unit of



Lalit Narayan Mithila University (LNMU).

3. In compliance with the direction of this Court, counter affidavits have been filed on behalf of the respondent State authorities as well as the University. Submission has been made by the learned counsel for the State that vide its letter as contained in Memo No. 79 dated 17.06.2023, the State Government has already sanctioned and released the amount for payment of difference of pension and other retiral dues, on account of revision of pension in 7th Pay Scale, in favour of different Universities, including, Lalit Narayan Mithila University, Darbhanga.

4. Taking note of the aforesaid letter, learned counsel for the State submits that now the University is required to pay the rest of the admissible amount of difference of pension and other retiral dues, out of the fund sanctioned and released by the State.

5. Another counter affidavit has been filed on behalf of the University, categorically stating therein that, so far the family pension of the petitioner is concerned, the same has already been fixed and she is getting admissible family pension. The calculation chart of the family pension has also been brought on record by way of Annexure R 2 to 4/A. It is further submitted that though a sum of Rs. 10,00,000/- has been paid to



the petitioner under the head of gratuity, however, on the basis of Pay Slip issued by Pay Verification Cell, Patna in 7th Pay, re-calculation was done and a sum of Rs. 10,00,000/- under the maximum limit of Rs. 20,00,000/- has been found payable, which would be paid after receipt of fund from the State Government, to this count.

6. He next submitted that under the head of Earned Leave Encashment, the petitioner has already been paid Rs. 16,02,524/-, however, after further calculation, on the basis of Pay Slip issued by Pay Verification Cell, Patna, still an amount of Rs. 3,43,518/- is due and found payable to the petitioner. Further submission has been made that a sum of Rs. 1,90,904/- found payable against pension arrears for the period 28.10.2018 to 29.02.2020, shall also be paid after receipt of the fund from the State Government.

7. Likewise, a sum of Rs. 2,83,779/- has also been found payable towards salary arrears as well as certain amount under the DA, HRA and MA shall be paid, after receipt of the fund from the State Government.

8. Having heard the learned counsel for the respective parties, especially, on behalf of the learned counsel for the State as well as University, needless to observe that, till date, the final settlement towards the terminal dues of the husband of the



petitioner has not been made. Thus, in such circumstances, this Court left with not option, but to dispose of the writ petition, with a direction to the respondent No. 1 to ensure the release of the fund, so that payment would be made to the petitioner and further directed the University to ensure the payment of all the remaining terminal and other admissible dues.

9. Needless to observe that the entire admissible due amount must be paid to the petitioner, preferably within a period of eight weeks, from the date of receipt/production of a copy of this order.

10. Accordingly, the present writ petition stands disposed of.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.01.2024
Transmission Date	NA

