

**SUPREME COURT OF INDIA**

Mohd. Zameeruddin Siddiqui

Vs.

Executive Council, A.M.U.

(S.S. Ahmed and D.P.Wadhwa JJ.)

04.01.2000

**ORDER**

**S. SAGHIR AHMAD, J.**

1. We have heard the learned Counsel for the parties. This Court by its order dated 26.04.1996 while disposing of the SLP(C) No.6266/96 had, inter alia, stated as under:

However, we are informed that the petitioner has not been given the retiral benefits and he is not getting pension. If that be correct, necessary orders should be passed preferably within four months' from the date of production of this order.

2. When the payments, in terms of the order passed by this Court, were not made, the applicant who is the legal representative of Professor M. Zameeruddin Siddiqui filed this application for directions on which a notice was issued to the Registrar, Aligarh Muslim University directing him to appear in person before this Court. It is in pursuance of this order that the Registrar of the University - Shri Has Jafri, has appeared before us. Counter Affidavit on behalf of the University has not been filed but since the Registrar is present before us, we have recorded his statement which has been placed on the record.

3. The litigation with the University which was initiated by Prof. Siddiqui in respect of his date of birth finally came to an end on 26.4.1996 when the SLP was disposed of. Prof. Siddiqui in terms of his date of birth as recorded in his service record, had already retired on 31.3.1993. From the statement of the Registrar it appears that he vacated the University Quarter also on 1.3.1997.

4. The Pension, though paid late, has been paid, according to Mr. Jafri, upto date. The payment of the amount of Gratuity, however, exhibits a callous attitude of the University towards its Prof. Siddiqui who retired in 1993. Special Leave Petition was disposed of in 1996. He vacated the University Quarter on 1.3.1997, but the amount of Gratuity was not paid to him throughout. The explanation offered for this lapse is that the amount of license fee in respect of the Quarter as also the charges for the books which were lent to him by the University Library were being calculated and once this was done, an amount of Rs.56,000/- and odd was paid to the widow of Prof. Siddiqui on 3.12.99 after deducting an amount of Rs. 1,21,278/- from the amount of Gratuity. The explanation is flimsy and is an attempt to cover up the failure to pay the amount of gratuity in time. Professor Siddiqui had retired in 1993 and the Quarter was vacated on 1.3.1997. There was no difficulty for the University Authorities to have calculated the "license fee" and other charges due

form him. The University had been clearly negligent. The amount of gratuity was paid to the widow of Prof. Siddiqui only after notice of this application was served on the Registrar on 22.11.1999.

5. The Professors and other staff members constitute highly respectable elements in a University. The University is not expected to treat them in such callous and negligent manner as was done in the case of Prof. Siddiqui. Having regard to the facts set out above, we dispose of this application by directing that an additional amount of Rs. 50,000/- shall be paid to the widow of Prof. Siddiqui by way of compensation for withholding the Gratuity amount for three years as the amount of Gratuity, if paid in time and invested either by Prof. Siddiqui or his widow in some commercial enterprise or in a Bank, would have earned rich dividends. The payment shall be made to the widow of Prof. Siddiqui within one month from the receipt of this order. I.A. No.3 is disposed of.