

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4387 of 2015

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Purnima Devi, Wife of Umakant Jha, Resident of Village- Birpur, P.S.-
Raghopur, District- Muzaffarpur, presently residing at C/o Pramod Singh,
Village+Post- Dhelwan, P.S.- Ramkrishna Nagar, District- Patna.

.... Petitioner

Versus

1. South Bihar Power Distribution Company Limited, Vidyut Bhawan,
Jawaharlal Nehru, Patna through the Managing Director.
2. The Managing Director, South Bihar Power Distribution Company Ltd.,
Jawaharlal Nehru Road, Patna-1.
3. The General Manager, H.R., South Bihar Power Distribution Company
Ltd. Vidyut Bhawan Jawaharlal Nehru Road, Patna-1.
4. The Deputy General Manager, South Bihar Power Distribution Company
Ltd. Jawaharlal Nehru Road, Patna-1.
5. The Electrical Superintending Engineer, Electric Supply Circle, Bhojpur.
6. The Electrical Executive Engineer, Electrical Supply Division, Arrah.
7. The Accounts Officer, Electric Supply Circle, Bhojpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anju Jha

For the Respondent/s : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 31-03-2015

Heard learned counsel for the parties.

The prayer of the petitioner in this writ application reads
as follows:

“Commanding the respondents to grant the petitioner the
post retirement benefits of amount of gratuity, leave
encashment, provident fund with statutory interest, arrears
of pension on account of revision of pension and any other
dues payable to the late husband of the petitioner treating
his date of retirement on 30.6.1998 who was wrongly
made to retire on 21.10.1997 w.e.f. 30.6.1991 from the
post of Lineman, Electric Supply Sub-division, Arrah,
alongwith interest @ 12% per annum on the delayed

payment of entire dues.”

Let it be noted that the husband of the petitioner was employee of the then Bihar State Electricity Board who was made to retire on 21.10.1997 with effect from 30.6.1991. Thereafter the husband of the petitioner was sanctioned and paid post retirement benefit which he continued to draw till his death on 7.4.2014. The husband of the petitioner in fact had also filed his writ application, C.W.J.C.No. 16793/2007, for redressal of certain grievance which, however, was dismissed by this Court on 2.5.2014 for non-prosecution. As noted above, the husband of the petitioner had died on 7.4.2014 and the petitioner being the wife did not either seek substitution or restoration of that writ petition.

Be that as it may, now the petitioner wants to reopen the whole history which her husband had failed to do so despite filing of the writ application. It is in this backdrop that this Court will first take into account the submission of the learned counsel for the petitioner that there was interpolation in the date of birth of the husband of the petitioner in his service book. To that extent she relies on Annexure 1. From a bare perusal of Annexure 1, the date of birth has been clearly interpolated wherein the figure “21st June, 1931” has been sought to be changed to “1938” by changing “1” into “8”. As a matter of fact even the husband of the petitioner did



not dare to challenge this finding and he came only after ten years of the order giving him retrospective retirement in C.W.J.C.No. 16793/2007, which as noted above was also dismissed for default. In such circumstances, this Court will not allow the petitioner, the wife, to now reopen the whole case of her husband towards any and every retirement benefit, which has already been settled by the respondents.

Nonetheless as the petitioner is the wife and is entitled for family pension, she may definitely raise her grievance with regard to quantum and payment of family pension. The petitioner's concern should be now only family pension because it was for her husband to claim his retirement benefit which was settled in his life time, inasmuch as even after his retirement with effect from 1991 the husband of the petitioner was alive till 2014 and was paid amount of retirement benefit.

In that view of the matter, this Court can only observe that if the petitioner has any grievance with regard to quantum or payment of the amount of family pension, she can definitely represent her case but for rest of the settled claim of her husband she would not be entitled to now reopen the same.

The aforesaid observation, however, will not come in the way of the petitioner to claim any amount which became payable

in view of the order of the General Manager cum Chief Engineer, Central Electric Supply Area dated 31.3.2012 (Annexure 8), whereby and whereunder the amount of pension/ family pension of the husband of the petitioner as authorized by PPO No. 2782 dated 15.3.1999 was revised. Thus, if the petitioner files her representation either in respect of family pension or any dues arising out of the aforementioned letter of the General Manager cum Chief Engineer dated 31.3.2012 (Annexure 8), the same shall be examined by the competent authority and any admissible payment in terms thereof shall also be made to the petitioner within a period of three months from the date of receipt of this order.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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