

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6310 of 2015

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Shakila Akhtar W/o Late Md. Azimullah Resident of Azim Manzil
Samanpura Choudhary Hotel Lane, near Devi Asthan Raja Bazar, P.S.
Shastrinagar P.O. Bihar Veterinary College District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Finance Department,
Old Secretariat, Patna.
2. The Treasury Officer, Patna Sinchai Bhawan, Patna.
3. The State Bank of India, through its Chief Manager, Mauryalok
Complex, New Dakbunglow Road, Patna.
4. The Accountant General (A & E) II, Birchand Patel Path, Patna, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Hemant Kumar, Adv & Mr. Alok Kumar, Adv
For the State	:	Mr. Anshuman Singh, G.P. 24
For the A.G.	:	Mr. Rabindra Kumar Priyadarshi, Adv
For the S.B.I.	:	Mr. Sanjiv Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 06-07-2015 Heard learned counsel for the parties.

The widow-petitioner has a grievance as with regard to lesser payment made by the authorities of the State Bank of India. This Court would find from her representation including two calculation chart being no. 1 and 2 that while she claims to have been given a short payment of Rs. 65,964/- on the head of family pension, her further grievance as with regard to payment of the pension of her husband till he was alive (i.e. 11.04.2013)

is that she would be entitled to a sum of Rs. 13,78,555/- in view of the revised pension order of the office of the Accountant General issued on 15th April, 2014.

It appears to this Court that there is some basic confusion in the mind of the petitioner. Admittedly, the husband of the petitioner was a pensioner whose pension was authorized by the Accountant General w.e.f. 01.01.1998. It is not the case of the petitioner in this writ petition or in representation that the husband of the petitioner was not paid any amount of pension from 01.04.2007. Thus, the competent authority of the State Bank of India, from where the petitioner is being paid her family pension, will firstly examine the aspect as to what amount the husband of the petitioner was entitled, on the basis of revised pension order dated 15th April, 2014. Having arrived at such figure, the authorities of the S.B.I will deduct the amount of pension already paid to the husband of the petitioner and shall make payment of the balance amount, if any, which was payable to the husband of the petitioner and which could not be paid on

account of his death and subsequently revised order of pension dated 15th April, 2014.

As with regard to the balance dues of the amount of family pension, this Court would find that there is again a scope of confusion on account of the rate of D.A.. As per the petitioner herself she has been paid the amount of family pension to the tune of Rs. 1,96,637/- but according to widow petitioner, she was not paid her family pension on the basis of the admissible D.A. rates as notified by the Government from time to time which should have been Rs. 2,62,601/-. This part of the grievance of the petitioner, therefore, has to also be examined by the authorities of the Bank who are hereby directed to ensure that whatever is legitimate amount payable to the petitioner either on the head of family pension including its arrear and/or the pension of her husband, in view of the revised pension order dated 15th April , 2014, should be recalculated and balance amount found payable to the petitioner, if any should also be paid to her. If on the other hand, the competent authority

of the Bank finds that all necessary payments has been made and the claim of the petitioner as contained in her representation dated 09.08.2014 which is Annexure-7, to this writ application is not correct, the reasons thereof be also communicated to the petitioner. This exercise however should be completed by the authorities of the State Bank of India as early as possible but in no event beyond the period of three months from the date of receipt of this order.

Before parting with, this Court must make it clear that it is on account of lack of information and relevant documents, it has not gone to decide the issue on merit as with regard to claim of the petitioner i.e., the dues of family pension and arrears of her husband.

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

(Mihir Kumar Jha, J)

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