

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10170 of 2015

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Saroj Singh, W/o- Late Ramswarth Mehta, R/o- Houe of Sri B.K. Singh,
House No.421, East Indirapuri, Near Bank of India Colony, P.S. Shastri
Nagar, Raja Bazar, Patna-800014.

.... Petitioner

Versus

1. The State of Bihar.
2. Principal Secretary, Road Construction Department, Bihar, Patna.
3. Principal Secretary, Finance Department, Government of Bihar, Patna.
4. Engineer in Chief, Rural Works Department, Bihar, Patna.
5. Executive Engineer, Rural Works Department, Division-II, Kishanganj.
6. In-charge Officer, Pay fixation cell, Finance Department, Bihar, Patna.
7. Treasury Officer, Patna.
8. Accountant General, A & E, Bihar, Birchandra Patel Path, Patna-800001.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Ojha, Advocate
For the State : Mr. Ritesh Kumar, A.C. to S.C.33
For A.G. : Mr. Sunil Kumar, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 14-07-2015 Heard learned counsel for the petitioner and

the State.

The petitioner's husband died in harness on 28.02.2010 while he was in service at the post of Assistant Engineer in the Rural Works Department. Thereafter, family pension was fixed vide Annexure-2 which the petitioner is getting. It is claimed that on completion of 24 years of service, her husband was entitled for grant of second A.C.P. in the scale of Rs.10000-15200/- which could not be given during his life time. However, the same

has been given to him along with other persons vide Annexure-3 dated 13.12.2012 which is an office order issued by the Road Construction Department which according to the petitioner was parent department of the husband of the petitioner.

It is contended that she had represented before the Executive Engineer by filing representation as contained in Annexure-4 for revision of the retiral benefits accordingly. The Executive Engineer has referred the matter to the Incharge Officers of the Department of Finance vide Annexure-5 dated 22.11.2013 but no decision has been taken as yet in this regard by the Department of Finance.

In above view of the matter, this writ application is being disposed of with a direction to the respondent no.3, i.e., Principal Secretary, Finance Department, Government of Bihar, Patna to look into the matter and take a decision with respect to the revision of the family pension of the petitioner in view of grant of A.C.P. If the same finds favour then immediately he should take steps for sending the matter, after necessary sanction, to the Accountant General for authorization within a period of six

weeks. If such decision is taken in favour of the petitioner and the matter is sent to the Accountant General for authorization, the respondent no.8 shall take steps for issuance of authorization slip in accordance with law within a further period of four weeks.

If the petitioner's claim does not find favour of the respondent no.2 then a reasoned order shall be passed by him disclosing the reason for rejecting the claim.

(Dr. Ravi Ranjan, J)

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