

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6542 of 2014

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Ramni Devi Wife Of Late Man Bharan Sharma Resident Of Village -
Birpur, Ward No. 2, P.S. Birpur, District - Supaul, Presently Residing C/O
Manoj Kumar Mehta, F - 166, Koshi Colony, Birpur, District - Supaul
.... Petitioner

Versus

1. The State Of Bihar Through The Chief Secretary Old Secretariate, Bihar,
Patna
2. Accountant General (A And E), Bihar, Patna
3. Treasury Officer, Secretariat Treasury, Irrigation Building, Patna
4. Branch Manager, State Bank Of India, Secretariate Branch, Patna
.... Respondents

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Appearance :

For the Petitioner/s : Mr. Madhav Jha, Adv.
For the Respondent/s : Mr. Alok Kumar, Adv.
For the SBI : Mr. Rakesh Kumar Singh, Adv.
For Accountant General : Mr. Binod Kumar Labh, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 18-05-2015 Heard learned counsel for the parties.

Having regard to the solitary grievance of the petitioner that upon death of her husband she has not been paid her family pension, this Court in the light of the averments made in the writ application as also in the counter affidavit would find that it is the petitioner who somehow created a ghost. The pension payment order of the husband of the petitioner dated 11.4.2005, as contained in Annexure 1, does name of the petitioner, namely, Smt. Ramni Devi, to be entitled to receive family pension after the death of her husband, the pensioner late Man Bharan Sharma. The amount of family pension was also mentioned therein as also the payment was to be made from Patna Secretariat of Sinchai



Bhawan. The husband of the petitioner in fact had drawn his entire retirement benefit from Patna Secretariat Branch and therefore, if the petitioner also wanted to draw her family pension she in the first place ought to have approached the authorities of Patna Secretariat Branch to make payment of her arrears and current of family pension and after such payment was regularized from the place from where her husband was drawing pension from which she could have asked for change of place of the Treasury/ Bank for payment of her family pension. That having been not done this Court would not find a reason for non-payment of family pension to the petitioner from 29.8.2009, the date on which the husband of the petitioner died to be attributable to in any manner to the respondents. The petitioner in fact ought to have first approached the authorities for receiving payment of family pension from the place her husband was drawing and that has not been done.

In that view of the matter, while this Court would not issue any direction for transferring the place of payment of family pension of the petitioner for the present but then it would make clear that after due verification is made and the petitioner is paid her family pension as per the authorization made by the office of the Accountant General from Patna Secretariat, Sinchai Bhawan, she may approach the authorities for change of the place for

making payment of family pension but till it is done so she must continue to draw her family pension from Patna Secretariat, Sinchai Bhawan, where her husband was drawing regular pension.

It goes without saying that if the petitioner approaches the competent authority at Patna Secretariat, Sinchai Bhawan, for receiving payment of her arrears and current amount of family pension, that must be examined and paid to her in accordance with law within a period of two months from the date of her filing an application to this effect.

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

Surendra/-

(Mihir Kumar Jha, J)

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