

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6694 of 2014

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Suman Devi @ Sunam Sharma wife of Late Sudhir Prasad Singh, resident of village /Mohalla Naya Tola(Parsoni Bhawan) Shyam Nandan Rad, P.s. Kaji Mohamadpur, district Muzaffarpur and permanent address at Sahebganj (Gulabpath), Parsoni P.s. Sahebganj, district Muzaffarpur.

.... Petitioner/s

Versus

- 1.The State of Bihar.
- 2.The Department of Human Resources, Govt. of Bihar, Patna through its Principal Secretary.
- 3.The Principal Secretary, Department of Human Resources, Govt. of Bihar, Patna.
- 4.The Director, Primary Education Department of Human Resource, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Onkar Nath, Adv
For the Respondent/s : Mr. R.R. K Pandey

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 22-05-2015 Heard learned counsel for the parties.

Prima facie, this Court finds that the husband of the petitioner would be entitled for reckoning his services for the purposes of payment of pension only w.e.f. 03.04.2007, the date on which the State Government in the department of Human Resource Development has issued the order of absorption of the petitioner on the post of Block Education Officer. Learned counsel for the petitioner however refers to the order of Human Resource Development Department



dated 03.04.2007, contained in Annexure-1 to the writ application and submits that the petitioner was earlier working in the Welfare Department from where his services were absorbed in Education Department and therefore, the period of service rendered in the Welfare Department would be also pensionable. Unfortunately, the widow petitioner is not in a position to specifically say as to what was the date of absorption of the husband of the petitioner in the Welfare Department and by which order such absorption was made.

This Court, therefore, instead of keeping the matter pending would direct the Director, Primary Education to examine the grievance of the petitioner as with regard to payment of death cum retirement benefit of the husband of the petitioner and consequently the family pension payable to the petitioner. This exercise however must be completed within a period of three months from the date of receipt of this order which must be accompanied alongwith the representation of the

petitioner.

It goes without saying that some dues of the salary of the husband of the petitioner has not been paid and is found payable at least that may be directed to be paid by the Director, Primary Education by the competent authority, even if, it is ultimately held that the husband of the petitioner had not completed 10 years of service, hence she would not be entitled for payment of death cum retirement benefit in form of pension/family pension.

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

(Mihir Kumar Jha, J)

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