

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2474 of 2015

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Reshma Devi widow of Late Prabhu Narayan Paswan resident of village Nautan, Police Station Sakra, District Muzaffarpur, permanent resident of Village Chapra Megh, Post Office Chapra Megh, Via - Silaut, Police Station Musahari, District Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Education, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director, Muzaffarpur.
4. The District Education Officer, Muzaffarpur.
5. The Block Extension Education Officer, Muraul.
6. The Accountant General, Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Yadav
For the Respondent/s : Mr. Rana B.N.Singh, AC to GP9
For the A.G. : Mr. Dhanendra Choubey, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 10-02-2015 Heard learned counsel for the parties.

It is only after 45 years of the death of the employee that her wife, the petitioner, comes out with a claim of being granted family pension and other retirement benefit. The delay of 45 years is not at all explained but then taking into account that the issue of receiving family pension at least from the current date is a continuing cause of action this Court will proceed to examine the case of the petitioner on merit as to whether the petitioner would be actually entitled for grant of family pension.

The facts in this regard to be noticed will be very selective, inasmuch as even if it be accepted that the husband of the

petitioner came to be appointed as a teacher on 20.1.1960 his service tenure upto 1.9.1968 would make the pensionable service only eight years. At the relevant point of time in the year 1968 the minimum qualifying period for grant of pension however was 15 years. Thus, the petitioner could not have got the family pension in the year 1968 even if she had come out with such a claim.

After at least 47 years of the death of the husband of the petitioner when she has come out to make such a claim, the thing would not improve in any manner because even now the minimum requirement for grant of regular pension is a service of ten years in Govt. service. Thus, the petitioner, who was not entitled for grant of family pension at the time of death of husband, can also not get it today because her husband had not completed even ten years of pensionable service.

Once this aspect becomes clear it has to be held that this writ application is wholly ill-advised and misconceived and must be dismissed.

It is, accordingly, dismissed.

(Mihir Kumar Jha, J)

surendra/-

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