

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19757 of 2014

=====

Most. Goudi Devi, W/o Late Sitaram Singh, resident of Village-
Choutarwan, P.O.- Kalyanpur, P.S.- Kateya, District- Gopalganj, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Home (Special)
Department, Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Nikhil Kumar Agrawal
Ms. Aditi Hansaria

Mr. Santosh Kumar Mishra

For the Respondent/s : Mr. Ravi Bhardwaj, AC to GA-5

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 13-02-2015

Learned counsel for the parties are present.

The petitioner prays for an appropriate direction to the authorities of the State Government to grant medical allowance and special allowance to the petitioner who is drawing freedom-fighters' family pension consequent upon the death of her husband late Sitaram Singh.

The facts of the case briefly stated is that the petitioner's husband was drawing freedom-fighters' pension under the Swatantrata Sainik Samman Pension Scheme, 1980. The husband of the petitioner deceased on 24.5.2007 and upon the successor certificate being granted to the petitioner, the family pension was allowed to her by the District Magistrate, Gopalganj vide Memo no.1569 dated 27.10.2008 placed at



Annexure-9 with effect from 24.5.2007. The grievance of the petitioner is that although she is entitled to special allowance and medical allowance in the light of the circular of the State Government bearing Memo No.127 dated 12.4.2001 issued by the Commissioner –cum- Secretary, Home (Special) Department addressed to all the District Magistrates placed at Annexure-7 to the writ petition and even when a direction to such effect was earlier issued by the Under Secretary, Home (Special) Department to the District Magistrate, Gopalganj vide Memo No.448 dated 9.10.2006 to enquire into the matter as to whether such payment of special allowance and medical allowance had been made in favour of the husband of the petitioner but unfortunately the husband of the petitioner deceased and though the petitioner is drawing family pension under the scheme but she is not being paid the special allowance and the medical allowance as per the circular dated 12.4.2001.

Having heard learned counsel for the parties and taking note of the circular of the State Government dated 12.4.2001 as well as the directives of the Under Secretary, Home (Special) Department dated 9.10.2006 as contained in Annexures 7 and 8 respectively, this writ petition is disposed of with a direction to the District Magistrate, Gopalganj to consider

the grievance of the petitioner and dispose of the same by a speaking order within a period of three months from the date of receipt/production of a copy of this order and if the petitioner is found entitled to the benefits then the payment thereof may also be made within one month thereafter.

The writ petition is disposed of with the directions aforementioned.

(Jyoti Saran, J)

SKPathak/-

U			
---	--	--	--