

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10412 of 2015

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Sheela Devi, wife of Late Yogendra Paswan, resident of Panchmukhi Chowk, Ward No.14, Madhepura, Police Station- Madhepura in the district of Madhepura.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Director, Social Welfare Department, Government of Bihar, Patna.
4. The Deputy Secretary, Social Welfare Department, Government of Bihar, Patna.
5. The District Magistrate, Sheohar, Bihar.
6. The Accountant General, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sunil Kumar, Advocate
For the State : Mrs. Neelam Prasad, A.C. to G.P.25
For the A.G. : Mr. Ajeet Kumar, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 22-07-2015

Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the wrong fixation of his family pension and other retiral benefits of her husband who had died in harness on 30.04.2005 while he was working as Assistant Director, Social Securities, Sheohar.

It is contended that the petitioner had earlier approached this Court by filing C.W.J.C. No.3863 of 2008 which was disposed of vide Annexure-1 dated 07.08.2014. Thereafter, the family pension and DCRD including the other benefits were fixed on the basis of old pay scale without taking into consideration the 6th Pay Revision for which the husband of the

petitioner was entitled.

In view of limited prayer made at the time of hearing, this writ application is being disposed of with a liberty to the petitioner to approach the respondent no.3, i.e., the Director, Social Welfare Department, Government of Bihar, Patna by filing a representation setting out her claim along with a copy of this order. On such representation having been made, let the respondent no.3 take a decision in accordance with law. If the petitioner is found entitled for relief in view of the 6th Pay Revision then steps for issuing necessary sanctioned order and forwarding it immediately to the office of the Accountant General, Bihar after modifying the family pension would be required to be taken within a period of six weeks from the date of filing of such representation. Thereafter, the respondent no.6 would also be required to issue necessary authorization slip and/or PPO etc. within a further period of three weeks from the date of receipt of the sanctioned order. In case, the petitioner's claim does not find favour with the respondent no.3 then he would be required to pass a reasoned order immediately communicated it to the petitioner.

(Dr. Ravi Ranjan, J)

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