

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8541 of 2014

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Masomat Purnima Devi, Wife of late Arun Kumar Malakar, Resident of
Village-Kantiya Bazar, P.O.& P.S. - Haweli Kharagpur, District - Munger.
..... Petitioner/s

Versus

1. The State of Bihar through the Secretary Excise Department
Government of Bihar, Patna.
2. The Deputy Commissioner Excise Office, Bhagalpur.
3. The Accountant General, Bihar, Patna.
4. The Zonal Manager, Punjab National Bank, having his office Pankaj
Market, Sarai Ganj, Muzaffarpur - 842001.
5. The Branch Manager, Punjab National Bank, Haweli Khadagpur,
District – Munger.
6. The Treasury Officer, Munger.

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 03-08-2015 Heard learned counsel for the petitioner, learned
AC to GA-1 for the State, learned counsel for the Punjab
National Bank as well as learned counsel for the Accountant
General.

The present writ application has been filed
seeking direction to the respondents to pay all pensionary
benefits to the petitioner whose husband died in the year 2002
and despite having initially been granted family pension, the
same was stopped from the month of February, 2007.

Learned counsel for the petitioner submits that
upon death of the husband of the petitioner, two step sons
were granted other retiral benefits including appointment on



compassionate ground whereas the petitioner was given family pension by way of mutual agreement between the parties. It is submitted that the step sons of the petitioner on 16.01.2006 with mala fide intention had entered into the room of the petitioner and forcibly got her signature on blank stamp papers for which informatory petition was filed before the Sub Divisional Officer, Kharagpur, Munger being Informatory Petition No. 09 of 2006 on 28.01.2006. It is submitted that even the voter list discloses that the petitioner is the wife of late Arun Kumar Malakar who is the deceased employee. It is submitted that the step sons of the petitioner using her signature on the papers are creating various documents to frustrate the claim of the petitioner to family pension.

Learned counsel for the Punjab National Bank has filed a counter affidavit and has brought on record copy of letter written by the petitioner dated 05.11.2007 to the Deputy Excise Commissioner, Bhagalpur-cum-Banka-cum-Munger Zone, in which it has been stated that she has remarried on 17.09.2007. It is submitted that in that view of the matter, the family pension cannot be paid to the petitioner in terms of Rule 186(2)(i) of the Bihar Pension Rules, 1950. It is submitted that even the contention of the petitioner that she was made to forcibly sign on blank judicial papers cannot come into her rescue for the simple reason that the letter dated 05.11.2007 has not been written on judicial stamp

paper but rather on plain paper. It is submitted that copy of counter affidavit was served on 21.01.2015 but no rejoinder has been filed which clearly indicates that neither the said letter nor the signature has been denied.

In view of the aforesaid, this Court finds that no relief can be granted to the petitioner in the present proceeding. However, if so advised, she may move before the appropriate authorities with regard to her not having written the letter to the authorities dated 05.11.2007 stating that she has married and for implementation of the agreement between the parties.

The application stands disposed off with the liberty aforesaid.

(Ahsanuddin Amanullah, J.)

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