

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3481 of 2014

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Shiva Kant Pandey Son Of Late Babu Prasad Pandey, Guardian Amit Kumar Pandey, Adopted Minor Son Of Late Sarswati Pandey (Dead Pensioner) Resident Of Village- Suarchap, P.O. Virti Matariya, Via-Lawariya, District- West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Education, Bihar, Patna
2. The Director, Primary Education Bihar, Patna
3. The District Education Officer, West Champaran
4. The Accountant General Bihar, Virchand Patel Patha, Patna- 1

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s : AC to GP No. 16

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 30-01-2015 Heard learned counsel for the petitioner and learned AC to GP No.16.

The present writ petition under Article 226 of the Constitution Of India has been filed by the petitioner, who claims to be guardian of one Amit Kumar Pandey (minor). It has been claimed that Amit Kumar Pandey was adopted by one Sarswati Pandey (deceased pensioner). In this petition a prayer has been made for directing the respondents for providing family pension to the adopted son of Sarswati Prasad Pandey. Meaning thereby, that family pension as per petitioner is required to be paid to the minor Amit Kumar Pandey.

In this case a counter affidavit has also been filed wherein, it has been indicated that the employee retired in the year 1979 and after getting pension for a considerable period she died in the year 2006. Though the employee died in the year 2006 the present writ petition has been filed in the year 2014 for providing family pension claiming as adopted son.

In the counter affidavit it has been indicated that only those adopted children are entitled to claim family pension who were adopted prior to retirement of the employee. Obviously once the deceased employee retired in the year 1979, there is no point to consider regarding the adoption of Amit Kumar Pandey by the deceased employee prior to her retirement.

I do not find any ground to pass any positive order.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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