

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14123 of 2008

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1. Usha Rani Sinha wife of late Dr. Vijoy Kumar Singh.
 2. Rajiv Ranjan Kumar Singh.
 3. Sanjiv Ranjan Kumar singh.

Both sons of late late Dr. Vijoy Kumar Singh

All are resident of Gorkha Babu Compound, East Boring Canal Road,
Patna, Police Station Kotwali, District Patna.

.... Petitioner/s

Versus

1. The State of Biha.
2. The Commissioner, Health Department, Government of Bihar, Patna.
3. The Under Secretary, Medical Education and Family Welfare
Department, Government of Bihar, Patna.
4. The Director-in-Chief, Health Services, Health Medical Education and
Family Welfare Department, Government of Bihar, Patna.
5. The Deputy Director (Medical) Health Services, Health Medical
Education and Family Welfare Department, Government of Bihar,
Patna.
6. The Deputy Director (Administration) Health Services, Health Medical
Education and Family Welfare Department, Government of Bihar,
Patna.
7. The District Provident Fund Directorate Finance Department, Pant
Bhawan, Patna.
8. The Civil Surgeon-cum-Chief Medical Officer, Gaya.
9. The District Provident Fund Officer, Provident Fund Cell, Gaya.
10. The Accountant General, Bihar, Bir Chand Patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Rakesh Chandra, Advocate

For the State : Mr. Ajay Bihari Sinha, S.C. 19 with
Mr. Suryakant Kumar, A.C. to S.C. 19

For Accountant General, Bihar : Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

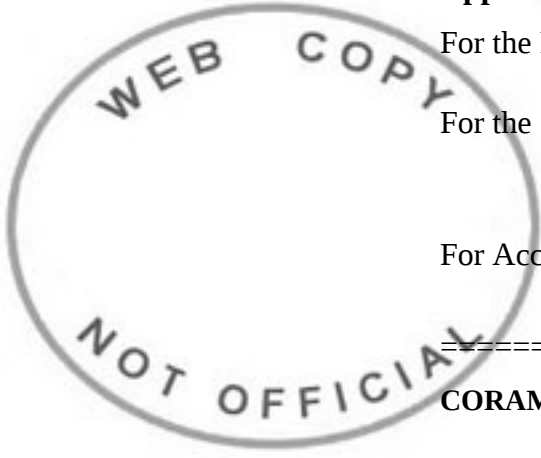
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Heard learned counsel for the parties.

The petitioners have moved the Court seeking payment of provident fund, gratuity and leave encashment.

Learned counsel for the petitioners submits that pension/family pension is being denied to the petitioners on the ground that the late husband of the petitioner no. 1 had not completed the qualifying service of 25 years for grant of pension which is erroneous. For such proposition, learned counsel has relied upon a decision of a co-ordinate Bench of this Court in the case of **Dr. (Smt.) Shahida Hasan v. State of Bihar** reported in **2004 (1) PLJR 318**. It is also submitted that full provident fund amount has not been paid to the petitioners.

Learned counsel for the State submits that the writ petition has not been filed seeking pension benefit and with regard to the same final amount has been paid and even provident fund



initially was directed to be paid after adjustment and finally in November, 2014, the District Provident Fund Officer, Gaya has passed an order dated 24.11.2014 showing that there is no remaining dues to be paid to the petitioners.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, even though the petitioners had not asked for pension, but still the same could have been considered, but the decision relied upon by learned counsel for the petitioners in the case of **Dr. (Smt.) Shahida Hasan** (*supra*) does not come to their aid for the simple reason that in the said case the Court had directed parity to be maintained with regard to Clause 18 of Appendix 6 of the Bihar Pension Rules, 1950. From perusal of the said Appendix 6, it is clear that it came into force only on 31.07.1980 i.e., much after the late husband of petitioner no. 1 had taken voluntary retirement in the year 1977 itself.

For the reasons aforesaid, the Court does not find that any relief can be granted to the petitioners.

Accordingly, the application stands disposed off.

(Ahsanuddin Amanullah, J)

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