IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2327 of 2014

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Gayatri Devi Wife Of Late Rajendra Choudhary Resident Of Village- Keota, Police Station- Dalsinghsarai And District- Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar Through District Magistrate, Samastipur
2. The District Programme Officer, Samastipur
3. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Manish Kumar No-2, Adv
For the Respondent/s : Mr. GP-15 Sharat Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

5 16-02-2015 Heard learned counsel for the respondents.

No one has appeared on behalf of the petitioner to press this writ application.

The prayer of the petitioner in this writ application reads as follows:-

> *"directing the Respondent Authorities to pay the arrear of family pension and current family pension to the petitioner as her husband died on 05.10.2012."*

Though, learned counsel for the petitioner is not present but learned counsel for the Accountant General having filed the counter affidavit has submitted that earlier when the pension papers of the husband of the petitioner was submitted the name of the wife was not mentioned therein as a result whereof in the Pension Payment Order (P.P.O.), the name of the wife was not recorded and as such the payment of family pension could not commence but subsequently when the District Programme Officer, Samastipur had communicated that it was the petitioner who was the wife of the deceased employee, authorization for making payment of family pension to the petitioner was made by the order dated 25.03.2014 and in all probability the payment of family pension both arrear and current must have been made to the petitioner by now.

Absence of learned counsel for the petitioner and the aforementioned stand of the learned counsel for Accountant General will now leave nothing for this Court to speculate that there is only controversy as with regard to entitlement of the petitioner in respect of payment of family pension to her and therefore, when the authorization order has also been issued by the office of the Accountant General in the name of the petitioner, its payment must have been made to his by now. If, however, for any reason the arrears and current family pension of the petitioner has not been made as yet, the same must be made by the concerned Treasury Officer to the petitioner within a period of one month from the date of receipt of this order by him.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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