

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3573 of 2011

1. Urmila Devi.
2. Nirmla Devi.

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar, Adv.

For the Respondent/s : Mr. S.A. Alam SC3

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-04-2015

Heard counsel for the petitioners and counsel for the State.

In this case the petitioners seek initiation of contempt proceeding in pursuance of order dated 21.07.2010 filed in C.W.J.C. No. 11323 of 2010.

Operative portion of the order is as follows.

“In the above circumstances, the learned counsel for the petitioner submits that for expeditious disposal of the aforesaid grievances as highlighted in this writ application, the petitioner proposes to file a fresh representation before the District Education Officer, Sitamarhi (respondent no.3), with a copy each to respondents no.4, 5, 6 and new added respondent no.7. In case such a representation is filed stating the details of her aforesaid grievances as also enclosing the copy of the relevant documents, if any, in support of such claims along with the certified copy of the present order within a period of four weeks, the grievances of the petitioner as raised in her representation be considered in accordance with law expeditiously, preferably within a period of four months on receipt of such representation, so that the grievances of the petitioner may be settled at the earliest and the admitted dues, if any, found payable may also be paid with interest permissible under the rules.”

In pursuance thereof the State had paid the GPF amount



along with interest to the original writ applicant but during the pendency of this writ application amount of group insurance was paid to the added petitioners. It also appears that the original writ petitioner was paid 1/2 pension amounts on account of the fact that her husband has entered into second marriage and the rest 50 per cent amount was kept for the two daughters in view of the instructions issued by the Finance Department. The added petitioners submit that they are step daughter of the original petitioner the rest 50 percent amount should have been paid to them for the period life time, as they are major and married daughters will not be entitled to family pension.

The dispute left in the present case is interest on GSS amount as well as 50 percent family pension amount up to the life time of the original petitioner. As the original petitioner had died issueless, the issue with regard to entitlement of rest 50 per cent to the first wife is subject matter of consideration and thereafter the issue further will arise about the entitlement of the present petitioner being the step daughters of the Malkinia Devi. These are the issues which cannot be looked into in the contempt application. If the petitioners feel aggrieved by the action of the State they are at liberty to raise the grievance before the appropriate forum and if any such of the any application is filed, the concerned authority will be obliged to examine the case of the petitioners and pass necessary orders in the

interest of law.

With these observations, this application is disposed of

(Shivaji Pandey, J)

Prakash/-

U		T	
---	--	---	--

