

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5396 of 2015**

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Ram Lali Devi wife of late Madan Mohan, resident of Village- Rajuaa Bakhari, Police Station- Mehshi in the District of East Champaran, Motihari.  
..... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Human Resource Development Department Government of Bihar, Patna.
  2. The Accountant General Bihar, Patna
  3. The commissioner, Tirhut Commissioner, Muzaffarpur, Bihar
  4. The Director, Higher Secondary Education, Bihar, Patna.
  5. The District Education Officer Vaishali at Hajipur.
- ..... Respondent/s
- =====

**Appearance :**

For the Petitioner/s : Mr. Ranjeet Kumar, Adv  
For the Respondent/s : Mr. GA12-Ajay

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL JUDGMENT**

2      22-06-2015      Heard learned counsel for the parties.

The petitioner, the widow of late Madan Mohan, a teacher, in Government High School, Mahubal Kuanhi under Motipur block in the district of Muzaffarpur, has a limited grievance as with regard to fixation and payment of revised family pension, which she may become entitled on account of her husband being granted Senior Selection Grade pay scale.

Let it be noted that the husband of the petitioner had retired on 31.08.2002 and had also died on 14.11.2002, thereafter the petitioner was paid all the retirement benefits, admissible and payable to her husband and payment of her



family pension also was started vide P.P.O No. S/100615 FPR-11(03-04) dated 02.05.2003, commencing such family pension from 15.11.2002. As a matter of fact, all these facts as stated in the writ petition, would only go to show that the petitioner after being sanctioned family pension and also its payment along with other retirement benefits, somehow became aware of the fact, that her husband was granted Senior Selection Grade pay scale while he was still continuing in service but then her family pension was not fixed after taking into account, the pay and emoluments of the post of Senior Selection Grade teacher.

Unfortunately, the petitioner is not in a position to show, that as to which date, her husband had been granted such Senior Selection Grade pay scale and the Office of the District Education Officer, Vaishali and the Office of Accountant General also, asked her for the Service Book of the husband of the petitioner, as a result whereof, the petitioner claims that it is basically on account of non availability of the Service Book of the petitioner that her amount of family pension in the pay scale of her husband being given Senior Selection Grade pay scale has not been

fixed.

There being no dispute that the petitioner's-husband, a teacher, who was entitled to get death cum retirement benefit, inasmuch as, the respondents have themselves sanctioned all the retirement benefits including the family pension to the petitioner. The only grievance of the petitioner is as with regard to admissibility of some more amount on the head of family pension needs to be looked into by the District Education Officer, Vaishali who must decide the claim of the petitioner one way or the other.

Non availability of the Service Book cannot be a reason to deprive the petitioner of any benefit, inasmuch as, there must be other records to show as to whether the husband of the petitioner was granted the benefit of Senior Selection Grade of the post of teacher or not. Thus, the District Education Officer, Vaishali must make his enquiry, and if he finds that the husband of the petitioner had actually been given the benefit of Senior Selection Grade of the post of teacher, a fresh calculation and payment of family pension of the petitioner, must be done forthwith and in any event within a period of three months from the date of

receipt of this order, so that the Office of Accountant General is in a position to make necessary revision in the family pension of the petitioner. If on the other hand, it is found that the husband of the petitioner was never given benefit of Senior Selection Grade of teacher, and/or there would be no need to revise the family pension drawn by the petitioner, an intimation to this effect shall be given by the District Education Officer, Vaishali to the widow-petitioner within the same period of three months.

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

**(Mihir Kumar Jha, J)**

Ranjan/-

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