

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.977 of 2014

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Malti Devi W/O Late Lakhan R/O Mohalla- West Nayachak, P.O.-
Manoharpur, Kacchuara, P.S.- Ramkrishna Nagar, District- Patna
..... Petitioner/s

Versus

1. The State Of Bihar, Through The Principal Secretary, Finance Department, Government Of Bihar, Patna
 2. The Director, Finance Department, Government Of Bihar, Patna
 3. The Principal Secretary, Health Department, Government Of Bihar, Patna
 4. The Director, Health Department, Government Of Bihar, Patna
 5. The Accountant General, Bihar, Patna
 6. The Superintendent, Patna Medical College And Hospital, Patna
..... Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Respondent/s : Mr. Binod Kumar Labh

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

7 06-02-2015

Heard learned counsel for the parties.

Having regard to the fact that the husband of the petitioner was the pensioner whose date of retirement was 30.9.1999 and was died on 6.4.2010, the issue of family pension, as with regard to its quantification, will always be based on the date of retirement of the husband of the petitioner. In other words, whatever family pension was payable as per the pension payment order issued in favour of the husband of the petitioner will only be the basic amount on which the dearness allowance will be added.

In that view of the matter, when the respondents have clearly explained that earlier the family pension of the petitioner was fixed at Rs. 620/- per month and the same was enhanced to 1997/- on

7.6.2000, there would be no question now for re-fixation of family pension of the petitioner. The petitioner, after death of her husband, when she become entitled to draw her family pension from the month of April, 2010, she can only get the dearness allowance on the amount of family pension already fixed. If, therefore, the respondents have been paying Rs. 2208/- per month as family pension and the petitioner is desirous of her such fixation of family pension at Rs. 2701/- per month, therefore, will have to first explain as to how she has arrived at this amount.

This Court, however, will not find any reason to issue a direction to the respondents for re-fixation of family pension when it is found from the counter affidavit that the respondents have correctly made fixation of her family pension.

Thus, if the petitioner would move the authorities explaining such grievance with regard to lesser amount of family pension being paid beyond what she is entitled, the same will be looked into but, subject to the government decision of the admissibility of family pension to the petitioner on the basis of date of retirement of the husband of the petitioner.

With the aforementioned observation, this application is disposed of.

(Mihir Kumar Jha, J)

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