

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16659 of 2014

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Kaya Rani Devi @ Kaya Rani, wife of Late Subodh Kumar Dutt @ Subodh Mohan Dutt, resident of Bahar Marar, P.S. Parsa, District – Saran.

.... Petitioner

Versus

1. The Union of India through the Secretary, the department of Home, (Freedom Fighter Division), Government of India, Lok Nayak Bhavan, Khan Market, New Delhi.
2. The State of Bihar, through the Secretary, the department of Home, the Government of Bihar, Patna.
3. The Deputy Secretary, the Department of Home, Special Branch, Freedom Fighter Division, Government of Bihar, Patna.
4. The Director, the Department of Home, Special Branch, the Directorate of Freedom Fighter Division, Government of Bihar, Patna.
5. The District Magistrate, Saran.
6. The Treasury Officer, Saran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar Tiwary

For the Respondent/s : AC to GP – 21

Mr. Anshay Bahadur Mathur, CGC

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 25-02-2016 Heard Sri Mrityunjay Kumar Tiwary, learned counsel for the petitioner, learned A.C. to Govt. Pleader – 21 as well as Sri Anshay Bahadur Mathur, learned Central Govt. Counsel.

The petitioner in the present writ petition filed under Article 226 of the Constitution of India has prayed for directing the respondents to pay arrears/dues of the non-paid ‘Samman Pension’ of husband of the petitioner till the date of death i.e. 09-01-2009 and also direct to grant interest on the non-paid ‘Samman Pension’ besides other relief.

It has been pleaded in the writ petition that husband of



the petitioner was granted pension under the Freedom Fighter Pension Scheme, 1972. The husband of the petitioner at least received pension up-to the April, 1978. Thereafter, the petitioner was not having any record. However, the husband of the petitioner subsequently died on 09-01-2009 and thereafter, the petitioner approached the authority concerned for grant of relief, as indicated above.

Learned counsel for the petitioner tried to persuade the Court that once pension under the scheme was granted to the husband of the petitioner and without any reason, it was stopped, the petitioner is entitled to claim for arrear.

In this case, counter affidavit has been filed both on behalf of respondent/State as well as Government of India. In the counter affidavit of respondent/Govt. of India, a stand has been taken that no such record is available in the office and as such, after receipt of the copy of the writ petition, information was sought for from the State Govt. regarding the issued involved in the present case. In the counter affidavit filed on behalf of respondent/State i.e. respondent no. 5 & 6, a plea has been taken that the petitioner herself had informed the Treasury Officer that her husband had stopped taking pension.

Besides hearing learned counsel for the parties, I have

also perused the materials available on record. Fact remains that husband of the petitioner died in the year 2009 itself. It has also not been disputed that even the petitioner is not having any information as to whether after April, 1978, her husband had received pension under the scheme or not.

The present writ petition was filed in the month of September, 2014.

Keeping in view the fact that the claim has been made by the petitioner at much belated stage, meaning thereby that for a long time the petitioner slumbered over her right, there is no reason to entertain the writ petition.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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