

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4114 of 2011

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Masood Rahman S/o Late Dr. Md. Noman resident of House No. - 152,
Patliputra Colony, P.S.- Patliputra, Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary Health & Family Welfare, Govt. Of Bihar, Patna
3. Principal Secretary, Finance, Government Of Bihar, Patna
4. Treasury Officer, Patna Secretariat, Patna
5. Accountant General (A&E), Bihar, Birchand Patel Path, Patna
6. Chief Manager, State Bank Of India, Patliputra Colony Branch, Patna-13

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vivek Prasad

For the Respondent/s : AC to GP 10

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

11 05-04-2016 Heard learned counsel for the petitioner, learned AC to
GP – 10 as well as Mr. S.M. Ehtesham, learned counsel, who has
appeared on behalf of the respondent no. – 5/ Accountant General,
Bihar.

In the present writ petition filed under Article 226 of
the Constitution of India, the petitioner has made a prayer for
directing the respondents to pay difference of family pension with
effect from 1.4.1997 to 12.9.2007 on the basis of a notification
which was issued in the year 2004.

It is admitted case of the petitioner that father of the
petitioner retired long back in the year 1986. Subsequently, he
died in the year 1987. Thereafter, petitioner's mother started to get

family pension. She drawing pension also died in the year 2007.

A claim is now being raised that in view of a notification of 2004 the petitioner is entitled to get difference amount of such pension.

Even for the time being if it is assumed that petitioner was having any cause of action, such cause arose in the year 2004 while the mother of the petitioner was herself alive. She died in the year 2007 and after her death the present writ petition was filed in the year 2011 raising such claim. The court is of the opinion that in such stale matter no order is required to be passed.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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