

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18632 of 2014

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1. Most. Chano Devi Wife of Late Mahabir Tatma Resident of Village - Baldiabari,
Police Station - Manihari, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Katihar.
2. The S.D.O., Manihari, Katihar.
3. The Circle Officer, Manihari, Katihar.
4. The Treasury Officer, Katihar.
5. The Accountant General, Bihar at Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Ojha
For the State	:	Mr. S.K.Saraf, AC to Gp 7
For the A.G.	:	Mr Madhuresh Prasad

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 23-08-2016

Heard counsel for the petitioner and counsel for the respondents.

Petitioner's husband was a Choukidar. He was appointed on 5.7.1993 and retired on 30.6.2003 and thereafter he died. The wife is before the High Court seeking a direction for payment of pension etc.

The minimum period of service fixed under the Bihar Pension Rules for payment of benefit of pension is 10 years. The husband of the petitioner did not complete 10 years. However, he was short by a couple of days.

Counsel for the petitioner is correct in pointing out to the Court not only on the basis of a decision rendered by a Division Bench in the case of Parmeshwar Paswan v. State of Bihar & others, which is L.P.A. No.544 of 2012, disposed of on 14.7.2014 that in a situation like that the person is entitled for condonation under Rule 106 (ii) Note (b) of the Bihar Pension rules, 1950.

Keeping the said provision as well as the discussion of law made by the Division Bench, the petitioner is given liberty to file an application before the competent authority with a copy of this order as well as Division Bench decision for consideration of condonation. The application will be considered in accordance with law and a decision taken preferably within a period of three months from filing of such an application. The outcome of such a decision will govern the case of the petitioner.

Writ is disposed of in terms of the above direction.

(Ajay Kumar Tripathi, J)

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CAV DATE	
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