IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15475 of 2012

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Rajeshwari Devi Wife Of Late Mahendra Kumar Singh Resident Of Tetia, P.O. + P.S. - Tetia Bumber, District - Munger

.... Petitioner

Versus

1. The State Of Bihar Through Principal Secretary Human Resources Development Department, Government Of Bihar, Patna
2. The Director, Secondary Education, Government Of Bihar, Patna
3. The District Education Officer, Munger, District - Munger
4. Headmaster, Jagannath High School, Tetia Bumber, Munger, District - Munger
5. The Accountant General, Bihar, Bir Chand Patel Path, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Suman Kumar Mishra, Advocate.

For the Respondents : Mr. Ashok Kumar Keshri AAG-11

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

6 05-02-2016 The petitioner is wife of Late Mahendra Kumar Singh, who retired on 31.12.2001 while serving as Clerk in Jagannath High School, Tetia Bumber, Munger, District-Munger and unfortunately died on 31.08.2002. The petitioner, after death of her husband received almost all the retrial dues, save and except family pension, which was neither sanctioned nor authorized nor paid. However, only after filing of this writ application, she is being paid her family pension.

The grievance of the petitioner is that the respondents have deducted a sum of Rs. 1,90,479/- from the family pension in view of letter no. 2287 dated 26.03.2007 of the Office of the Accountant General, Bihar, Patna, observing that her husband wrongly received increments from 09.06.1983 as he has not passed the Hindi Noting and Drafting examination. The petitioner submits that it was not permissible for the respondents to deduct the increments which was granted in the year 1983 from her family pension.

He submits that in view of decision of government contained in letter no.3 M-1-49/2002-4048/Bi (2) dated 03.06.2003, the authorities ought not to have deducted the increments, which was paid a long time back and that too from family pension of the widow.

In my view, the deduction of increments granted long time back in 1983 from the family pension of the widow was not fair and reasonable. The respondents could have taken all these steps in the lifetime of the husband of the petitioner, who died after his retirement. The impugned letter issued by the office of Accountant General (A&E) is not sustainable in law and is set aside.

The petitioner would make a representation for refund of amount which was deducted from her family pension, which would be duly addressed by the respondents expeditiously.

(Samarendra Pratap Singh, J.)

Amit/-

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