

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4022 of 2014

Mostt. Lalita Sinha, Wife of Late Priya Ranjan Prasad Sinha, Residing at Mini L.I.C. Colony, Citragupta Nagar, P.S.- Kankarbagh, Town And District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Bihar, Patna
2. The Principal Secretary, Finance Department, Bihar Patna
3. The Director (Secondary Education), Bihar, Patna
4. The Treasury Officer, Patna
5. The Accountant General, Bihar, Patna

.... Respondents

Appearance:

For the Petitioner/s : Mr. Dilip Kumar Tewari, Advocate.
For the Respondent/s : Mr. Shailendra Kumar, AC to GP-5.
For the A.G. : Mr. Ranjan Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 08-09-2016

Heard learned counsel for the parties.

2. The petitioner claims payment of dearness allowance over family pension through present writ application. The appellant was appointed on 10.02.1971 and attained the age of superannuation on 01.07.2005.

3. The husband of the petitioner was also a government servant. He died on 09.07.1997. The petitioner was being paid family pension without dearness allowance on account of death of her husband. Admittedly, during the pendency of the representation, the Dearness Allowance (DA) on the family pension

has been paid.

4. The grievance of the petitioner is that the petitioner is entitled for the interest on the amount of DA paid after gross delay. The question as to whether the DA is payable over family pension has been decided by Division Bench of this Court vide judgment reported as Smt. Shardha Devi v. State of Bihar, 2002 (3) PLJR 527. The petitioner has invoked the writ jurisdiction of this court in the year 2014. The petitioner was in service and was getting her pay and DA. The payment of DA on family pension came to be decided only in the year 2004. She has been paid DA thereafter. We do not find that on account of delay in payment of DA, she is entitled to any amount of interest in the present writ petition as it was disputed question.

5. Accordingly, the present writ petition is dismissed.

(Hemant Gupta, J.)

Mishra/-

AFR/NAFR	N.A.F.R
CAV DATE	N.A.
Uploading Date	17.09.2016
Transmission Date	N.A.