

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.299 of 2012

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Bibi Jainab Wife of Late Ahmad Hussain Resident of Village Chamotha, P.S.
Rajauli, District Nawada

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Accountant General , Bihar, Patna
3. The District Magistrate, Nawada
4. The District Superintendent Of Education, Nawada
5. The District Education Officer, Nawada
6. The Treasury Officer, Nawada
7. The Branch Manager, Punjab National Bank, Rajauli Branch, Nawada

.... Respondent/s

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Appearance :

For the Petitioner/s :
For the State : Mr. Nadeem Seraj, GP-20
For the AG : Mr. L.R.K.Ranbir, Advocate.
For the Bank : Mr. Kumar Priyaranjan, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 01-07-2016

Nobody appears on behalf of the petitioner. Learned counsel for the State, learned counsel for the Accountant General and learned counsel for the Punjab National Bank have assisted the Court.

It appears that the claim in the writ petition is for payment of family pension to the petitioner claiming to be the wife of an employee who has retired in the year 1974 and died in the year 1986.

Learned counsel for the respondents has drawn attention of this Court to the statement made in the writ petition itself, which discloses that for the first time, said prayer was made in the year 2009

i.e., after 23 years of the cause of action.

Considering the aforesaid, though strictly speaking, claim of family pension cannot be barred by limitation as it is a continuing grievance, but the claim being of a monetary nature, at best, the petitioner could be granted relief three years prior to date of filing of the writ petition. However, it has been pointed out that at the relevant time, the husband of the petitioner, who retired in the year 1974, had taken advantage of the Triple Benefit Scheme, in which there was no provision for payment of family pension.

In view of the fact that the husband of the petitioner had opted for such scheme in which there was no provision for grant of family pension way back in the year 1974, coupled with the fact that the cause of action arose thirty years back, the Court does not find that any relief can be granted to the petitioner.

For the reasons aforesaid, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J)

Sujit/-

AFR/NAFR	NAFR
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