

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22590 of 2011

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1. Kunti Prasad Late Rameshwar Prasad Bhanu Pratap Kontay Kutir, New Colony, North Of Sanjay Cinema Po, M.I.T.Ps, Brahmpura, District-Muzaffarpur. Petitioner

Versus

1. The State Of Bihar
 2. The Regional Deputy Director Of Education, Tirhut Division, Muzaffarpur.
 3. The Treasury Officer, Muzaffarpur, District-Muzaffarpur.
 4. The Accountant General, Bihar, Patna.
 5. The State Bank Of India Through The General Manager, Local Head Office, West Gandhi Maidan, Patna.
 6. The Chief Manager, State Bank Of India, Central Pension Processing Centre, 3rd Floor, Abhishek, Plaza Exhibition Road, Patna.
 7. The Branch Manager, State Bank Of India, Red Cross Branch, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
 For the State : Mr. AC to AAG2
 For the SBI : Mr. Rakesh Kumar Singh, Advocate
 For the Accountant General: Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

4 03-05-2016 The issue involved in this case is whether the petitioner is entitled to Dearness Allowance on family pension?

The petitioner's husband late Rameshwar Prasad died in harness on 14.1.1986 while serving as a Lecturer in nationalized Primary Teachers Training College, Sorhatha, District Vaishali. The petitioner too retired from service and is getting her pension. The petitioner is aggrieved by non-payment of Dearness Allowance on family pension amount.

I have heard learned counsel for the parties.



The issue in question is settled by a decision of this Court passed in case of **Smt. Shandha Devi Vs. The State of Bihar & Ors, passed in L.P.A. No.717 of 2002** after considering the relevant circular of the State Government, dated 9.5.1991 as well as decision of the Hon'ble Apex Court in the case of **B.S.EB. and Others vs. Azad Kaur**, reported in **(2000) 3 SCC 227**, observing that an employee who has been employed independent of the service of her husband or in lieu thereof would be entitled to Dearness Allowance on the family pension. This Court would direct accordingly. Respondent Nos.3 and 4 would make payment to the petitioner after calculating Dearness Allowance on the family pension amount within a period of four months from today.

With the aforesaid observations and directions, this writ application stands disposed of.

(Samarendra Pratap Singh, J)

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