

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12896 of 2014

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1. Chandra Kanta Sahay W/o Late Udit Narayan Sahay resident of Chandi Prasad Lane Jogsar, P.S. Adampur in the town and District of Bhagalpur.
 2. Deepak Kumar S/o Late Udit Narayan Sahay .
 3. Rupesh Narayan Sahay, S/o Late Udit Narayan Sahay.
 4. Gautam Sahay S/o Late Udit Narayan Sahay.
- All residents of Mohalla- Chandi Prasad Lane Jogsar, P.S. Adampur District- Bhagalpur.
5. Deepa Sahay wife of Rajesh Kumar resident of Shastrinagar, Lallu Pokhar P.O. and P.S. Lallu Pokhar, Dist. Munger.
 6. Sandhya Sahay wife of Ajit Kumar Sinha resident of Poddar Toli lane Jogsar, P.S. Adampur, Dist. Bhagalpur.
- Petitioners.

Versus

1. The State of Bihar.
 2. Chief Secretary, Govt. of Bihar, Patna.
 3. District Magistrate, Kishanganj.
 4. District Accounts Officer, Purnea.
 5. Anchal Adhikari, Kishanganj Block, P.O. and P.S. Kishanganj, District Kishanganj.
 6. Accountant General, Bihar, Veer Chand Patel Path, Patna.
- Respondents.
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Appearance :

For the Petitioners : Dr. Manoj Kumar, Adv.

For the Respondents : Ms. Smriti Singh, AC to AAG-10.

For the Accountant General : Mr. Sanjay Kumar, ASG

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

Date: 29-09-2016

This writ petition was filed by one Udit Narayan

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Sahay, who superannuated from State Government service in 1997. In the writ petition, his grievance was that from 1997 up to 2012, he was getting only provisional pension, though his other retiral dues had been paid. He was disclosed that his service book was not traceable. Awaiting finalization of pension, he died.

In this writ proceeding, he was substituted by his wife, Chandra Kanta Sahay and his five children by order dated 24.11.2015. Further, during pendency of this writ proceeding, even his widow, Chandra Kanta Sahay, also expired leaving Deepak Kumar, the eldest son and four other siblings. Earlier, the State Government had filed a counter affidavit stating that the service book had reconstructed and sent to the Accountant General Office in December, 2015 and the stoppage of provisional pension from the year 2012 was due to a technical mistake. They would all start from January, 2016.

Now, a counter affidavit has been filed from the office of the Accountant General stating that the final pension has been calculated, which was payable to the pension holder, as well as the family pension, which is payable to the widow and it is now for the heirs to go and collect all the arrears and other payments from the Treasury Office. It is for the Treasury Office to, now, get the same calculated.

Be that as it may, as the main controversy has been solved, this Court directs the concerned Treasury Officer to ensure that within one month from today, the Treasury Officer should calculate the difference between the provisional pension, final pension and the arrears of family pension and pay the same to Deepak Kumar, the eldest surviving heir of the pension holder.

With this observation and direction, this writ petition is disposed of.

(Navaniti Prasad Singh, J.)

Trivedi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.09.2016
Transmission Date	NA