

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18056 of 2015

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Most. Sanchari Devi, w/o late Vishwanath Ram, R/o Shivganj, P.S :Ara town,
District Bhojpur.

.... Petitioner

Versus

1. The State of Bihar
2. Principal Secretary Nagar Vikas Government of Bihar, Patna.
3. Commissioner, Ara Municipal Corporation.
4. Executive Officers, Ara Municipal Corporation, Ara.

.... Respondents

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Appearance :

For the Petitioner : Mr. Subroteswar De, Advocate

For the State : Mr. Rajesh Kr. Jha, AC to AAG12

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 10-05-2016

Heard learned counsel for the petitioner and

learned counsel for the state.

None appears on behalf of respondent nos. 2

to 4 though the name of learned counsel is appearing in the

cause list.

Petitioner's grievance is that her husband late

Vishwanath Ram retired from the services of Arrah

Municipality on 31.03.1999, however, he was not being

given pensionary benefits. Then he approached this Court by

filing a writ petition which was allowed. However, a

Division Bench of this Court vide its order dated 04.03.2009



in L.P.A. no. 863/2007 heard along with L.P.A. no. 914/2007 held that, in view of non-exercise of option by the concerned employee which was required under Rule 4(1) of the Bihar Municipal Officers and Servants Pension Rules, 1987, he was not entitled for pension. During the pendency of the writ petition, the aforesaid Vishwanath Ram died and the petitioner Sanchari Devi was substituted in his place. The petitioner approached the Apex Court against the aforesaid order. The Civil Appeal no. 4802 and 4803 of 2013 was allowed by judgment dated 25.06.2013, a copy of which has been appended as Annexure-1 in which the Apex Court has held that the petitioner would be entitled for pensionary benefits including pension and family pension, however, though arrears of pension of her late husband has been paid to the petitioner but family pension has not been fixed as yet and provident fund amount as well as arrears of revised scale as per 5th Pay Revision and leave encashment have also not been paid.

Accordingly, I direct the respondent no. 3, Commissioner, Ara Municipal Corporation to examine the matter of the petitioner and take steps for payment of admissible dues under the aforesaid heads within a period of three months. If certain dues are not found admissible then a reasoned order would be required to be passed within such period communicating the same to the petitioner.

This disposes of the writ application.

(Dr. Ravi Ranjan, J.)

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