

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11024 of 2012

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1. Arjun Singh Son of Late Ram Dahin Singh Resident Of Village-
Sahbajpur, P.S. And District- Jehanabad

.... Petitioner/s

Versus

1. The State Of Bihar Through The District Magistrate, Jehanabad
2. The Treasury Officer, Jehanabad
3. The State Of West Bengal Through The Director General Of Police,
West Bengal, Kolkata- 700001
4. The Commissioner Of Police, Kolkata Administration (Pension) Branch,
18, Lalbazar Street, Kolkata- 700001
5. The Accountant General, West Bengal At Kolkata- 700001
6. The Accountant General, Bihar, Patna- 800001
7. The Punjab National Bank Through Branch Manager, Pnb Branch At
Jehanabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Respondent/s : Mr. Tej Bahadur Singh Aag7

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

6 19-08-2016 The petitioner is son of Late Saraswati Devi, who was getting family pension, after death of her husband, Ram Dahin Singh. Ram Dahin Singh was employed as a Constable, in West Bengal and had retired, as such on 01.07.1955. He died in the year 1976. After his death, in 1976, the petitioner's mother started receiving family pension. It is the claim of the petitioner that her mother died on 08.07.2010 at the age of 115 years.

It is accordingly, claim of the petitioner that in terms of memorandum, issued by the Finance Department, Government of West Bengal, dated 25.02.2009, her mother was entitled for 100

percent of revise basic family pension, after she had attained the age of 100 years.

Counter affidavit has been filed on behalf of the Accountant General, Bihar, stating therein that there is no acceptable proof, which has been brought on record, to arrive at a definite conclusion that the petitioner's mother died at the age of 115 years.

Learned Counsel appearing on behalf of the petitioner has referred to a copy of the Horoscope of the petitioner's mother and notarized affidavit, sworn by the petitioner in support of his place that the petitioner's mother was 115 years of age, on the date of her death.

It is not possible for this Court in exercise of jurisdiction under Article 226 of the Constitution of India to hold, on the basis of material on record that the petitioner's mother was 115 years old, on the date of her death. This is a disputed question of fact, which cannot be gone into, in the present proceeding.

This application is accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Amit/-

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