

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1904 of 2015

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Most. Lukhi Devi @ Dukhiya Devi, wife of Late Polay Muni, Resident of Village and P.O Sameli, Police Station - Kursaila, District - Katihar.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Katihar.
3. The Superintendent of Police, Katihar.
4. The Block Development Officer, Sameli, Katihar.
5. The Circle Officer, Kursaila, Katihar.
6. The Accountant General, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Ojha, Advocate
For the State : Mr. Madhukar Mishra, AC to S.C.16
For the Accountant General: Mr. Prabhat Ranjan with Mr.Chandan Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 08-09-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks payment of family pension on account of the retirement of her husband on 30.6.1999 as a Chaukidar in the Kursaila Police Station and subsequent passing away on 26.5.2000.

It is not in dispute that the service of the husband of the petitioner became pensionable as Chaukidar only from 1st January, 1990, although he had been allegedly working on the said post since long back.

It is stated that the pensionable service of the husband of the petitioner was short just by six months and there is

provision for relaxation in Rule 106 Note (b) of the Bihar Pension Rules, 1950 for condoning the deficit in pensionable service. It is evident from the aforesaid Rule 106 that condonation of deficiency up to three months in the qualifying service can be made by the authority competent to sanction the pension of the concerned Government servant. The condonation of deficiency beyond three months will require the orders of the State Government.

In the above circumstances, the writ application is disposed of with the direction to the petitioner to make an application for condonation of deficiency in the qualifying service of her late husband before the District Magistrate within a period of one month from today, who shall ensure that the same is disposed of at the appropriate level in accordance with the provisions of Rule 106 of the Bihar Pension Rules, 1950. Let the said representation be disposed of within a period of three months of the filing of the same before the District Magistrate by the competent authority.

(Ramesh Kumar Datta, J)

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