

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1608 of 2015

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Meenakshi Kumari daughter of Hari Nandan Yadav and Late Geeta Kumari,
Resident of village- Pipra, Police Station- Banmankhi, Block- Banmankhi, District-
Purnea

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Human Resources and Development, Government of Bihar, Patna
2. The Director, Middle Education, Department of Human Resources and Development, Government of Bihar, Patna
3. The Divisional Commissioner, Purnea
4. The Collector, Purnea
5. The District Education Officer, Purnea
6. The Block Education Officer, Block- Banmankhi, Purnea
7. The Accountant General, Bihar
8. Hari Nandan Yadav son of Baldeo Yadav
9. Manoj Kumar Nirala son of Hari Nandan Yadav
10. Trilok Kumar son of Hari Nandan Yadav
11. Rupam Devi daughter of Hari Nandan Yadav
12. Kanchan Devi daughter of Hari Nandan Yadav

Respondent No. 8 to 12 all residents of village- Pipra, Police Station-
Banmankhi, Block- Banmankhi, District- Purnea

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Tarun Kumar Shekhar, Advocate
For the State : Mr. Vivekanand Kumar, Advocate
For the State : Mr. Kamalesh Kumar, G. P. 17
Mr. S. K. Ranjan, J. C. to G.P. 17

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 08-12-2016



The petitioner has filed this writ petition for payment of death-cum-retiral benefits and other consequential monetary benefits of her mother Geeta Kumari.

2. It is contended by the learned counsel for the petitioner that the mother of the petitioner, namely, Geeta Kumari was Headmistress in the Up-graded Middle School, Pipra, Block-Banmankhi, District- Purnea who died in harness on 22nd February, 2014. After her death, the respondent no.8, i.e., the father of the petitioner made an application for the release of family pension and other death-cum-retiral benefits without consent of the petitioner. The representation filed on behalf of the petitioner, in this regard, before the authority has went unheaded.

3. In reply, learned counsel for the State has submitted that the writ petition has got no merit. The petitioner has filed the present writ petition in January, 2015. In the affidavit, she has disclosed herself to be aged about 30 years and in that view of the matter, she would not be eligible for receiving payment of family pension or death-cum-retiral benefits on the death of her mother.

4. Learned counsel for respondent no. 7 has also supported the submission made by the learned counsel for the State. He has submitted that under the scheme of the Government family



pension is made only in favour of spouse alive, i.e., the husband or wife of the deceased of the government employee without any succession certificate. He has further contended that after death of spouse, minor children are only eligible for family pension.

5. I find substance in the argument of the learned counsel for the respondents.

6. In this regard, reference may be made to the relevant extract of Resolution No.1853 F dated 19.04.1990 of the Finance Department:-

“7. The Scheme will be administered as below :-

(i) The family pension will be admissible in case of death while in service, or, after retirement on or after the 1st April, 1964, if at the time of death, the retired officer was in receipt of a compensation, invalid, retiring or superannuation pension. In case of death while in service, the Government Servant should have completed a minimum period of one year of service.

(ii) Family for purpose of the Scheme will include the following relatives of the officer :-

(a) wife, in the case of a male officer;

(b) husband, in the case of a female officer;

(c) minor sons; and ;

(d) unmarried minor daughters

(iii) The pension will be admissible :-

(a) In the case of widow/widower upto the



date of death or remarriage whichever is earlier.

(b) In the case of minor son until he attains the age of 18 years.

(c) In the case of unmarried daughter until she attains the age of 21 years or married whichever is earlier.”

7. In view of the fact that on the date of death of her mother, the petitioner was aged about 29 years, she would not be entitled to receive the family pension or other death-cum-retiral benefits.

8. In that view of the matter, I see no merit in this writ petition. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	...
Uploading Date	13.12.2016
Transmission Date	

