

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3541 of 2015

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Most. Saraswati Devi Wife of Late Ramdeo Ram resident of village -
Lavkush Ghat, Valmikinagar, P.S. Valmikinagar, District - West
Champaran

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Irrigation Department,
Bihar, Patna
2. The Collector, West Champaran at Bettiah
3. The Superintending Engineer, Irrigation Department, Valmiki Nagar, P.S.
Valmiki Nagar, West Champaran
4. The Executive Engineer, Head Work Division, Valmikinagar West
Champaran
5. The S.D.O. Irrigation Department, Valimikinagar, West Champaran
6. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Sahay
Mr. Vijay Kr Singh No. 1

For the State : Mr. Vivek Prasad, G.P.7
Mr. Ranjan Kumar, A.C. to G.P.7

For Accountant General: Mr. Binod Kumar Labh
Bihar

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**CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR
DATTA**
ORAL ORDER

4 16-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The writ application has been filed seeking direction to
the respondent authorities to release the family pension of the
petitioner which she was receiving from October, 2003 to June,
2014 but thereafter it has been stopped.

The case of the petitioner is that she was married to one
Ramdeo Ram, a Jeep Driver in the Irrigation Department,



Valmikinagar Division, West Champaran, who retired from the said post on 31.08.1996.

It is submitted by learned counsel for the petitioner that the said Ramdeo Ram, who was receiving the pension, died on 02.10.2003. The petitioner, thereafter, applied for family pension which was ultimately granted to her in January, 2012, including the arrears from 03.10.2003 to 31.12.2011 amounting to Rs.4,05,095/-. From July, 2014 the said pension was stopped and thereafter she approached the office of the Collector but to no avail. Hence, she has approached this Court by filing the writ petition.

In the counter affidavit filed on behalf of opposite party Nos. 3 and 4, the Superintending Engineer, Valmikinagar Circle, Valmikinagar, West Champaran and the Executive Engineer, Head Work Division, Valmiminagar, it is stated that the said employee at the time of his retirement had filled the nomination form in which he had furnished the names of his two sons, namely, Pramod Kumar and Subodh Kumar. In the said counter affidavit, a detailed enquiry report of the Executive Engineer, Head Work Division, Valmikinagar, West Champaran, has been enclosed in which it is stated that the said employee, Ramdeo Ram, Jeep Driver, was in Government service who retired on 31.08.1996 and



at the time of his retirement, he had submitted his pension paper and in the list of family members, he had given the names of his two sons and even in the nomination paper for Group Insurance, the names of the said two sons were given. It is further stated that said Ram Deo Ram died on 02.10.2003. Thereafter, the petitioner filed an application for family pension on 05.09.2005 which was found by the then Executive Engineer as a doubtful case and he directed for verification from the home address. The letter sent to the home address was returned with the endorsement that Most. Saraswati Devi has died. Accordingly, the then Executive Engineer did not send the pension paper filed by the petitioner to the Accountant General, Bihar. Thereafter, the petitioner filed a writ petition in the High Court. However, in the present writ petition it is stated that the petitioner has not moved before this Court earlier. The petitioner again filed another application for family pension on 13.07.2010, in which the subsequently posted Executive Engineer made recommendation on 21.07.2010 to the Accountant General, Bihar and ultimately on the basis of the said recommendation, the family pension was given to the petitioner. It is stated that the genealogical certificate produced by the petitioner from the Circle Officer does not tally with the list of family members submitted by the deceased government employee earlier.



It is further stated in the counter affidavit that subsequently one of the daughters of the deceased employee wrote a letter to the Executive Engineer that the petitioner was receiving pension on the basis of fake application, whereas her mother died at the age of about 36 years. In the application dated 11.8.2014, it was further stated that the petitioner is, in fact, one Bhigi Devi alias Bhagiya Devi, wife of Rajendra Ram who is receiving the pension in the fake name of Saraswati Devi, her mother. To this effect, an application was made by the villagers of Lavkush Ghat, Valmikinagar, West Champaran also. Thereafter, the matter was enquired into and the pension has been stopped.

Learned counsel for the petitioner submits that the family pension of the petitioner having been given to her, it is not open to the respondent to stop the same without any rhyme and reason but only on the complaint of the daughter of the deceased employee on account of ill will.

However, on a consideration of the aforesaid facts and circumstances, it is evident that there are serious disputed questions of facts raised in the pleadings of the writ petition and in the said circumstances, the writ application is not fit to be considered by this Court. Considering the allegations made, that too by the family members of the deceased employee, coupled



with the fact that the deceased employee had not mentioned the name of the petitioner in the list of family members submitted at the time of submission of pension papers, a serious doubt is cast upon the veracity of the petitioner's case for receiving the family pension. In any view of the matter, that is an issue to be enquired into by the respondent authorities. Prima facie, there appear to be good grounds for stopping the family pension of the petitioner.

The writ application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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