

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7552 of 2016

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Smt. Lal Mundari @ Lal Sunder Devi, wife of Late Yugeshwar Prasad Sharma,
resident of village- Jalpure, P.O.- Ram Box Jaitipur, P.S.- Naubatpur, District-
Patna.

.... Petitioner

Versus

1. The State of Bihar, through Secretary Higher Education, Government of Bihar,
Patna.
2. Manager, Bank of India, Piplawa Branch, Naubatpur, Patna
3. Officer of Accounting General (A & E), Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mrs. Archana Sinha, Advocate.
For the Accountant General : Mr. Kameshwar Pd. Gupta, Advocate.
For the State ; Mr. Shashi Pd. Sinha, A.C. to G.A.-6
For the Respondent No. 2 Bank : Mr. Rupak Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 25-11-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

The deceased husband of the petitioner retired from the
post of Assistant Teacher from a Government School at the age of 58
years on 31st July, 2002. He died on 14th January, 2014. The
petitioner has prayed in the present writ petition for issuing a
direction to the respondents to give 20% enhanced pension in terms
of Government rule as her age is between 80-85 years. In this regard,
reliance has been placed on Government Circular/Notification No.
27/co-137/2008-820 dated 23.09.2009.

It has been contended that in the Service Book of late
Yugeshwar Prasad Sharma, husband of the petitioner, her date of

birth was not mentioned. However, out of her own she got herself examined by a Medical Board which has ascertained her age to be between 80 and 85 years.

Per contra, the Respondents have contested the prayer of the petition. It has been contended by them that in various documents the age/date of birth of the petitioner has been mentioned differently. The age of the petitioner in the list of members of the family furnished by the deceased husband of the petitioner in the prescribed pension form on 6.9.2002, is mentioned as 54 years. Thus, the petitioner is shown to be six years younger than her deceased husband in the year 2002. The contention is that the authenticity of opinion of the Medical Board which determined the age of the petitioner becomes doubtful on the basis of information furnished by the deceased husband of the petitioner in the prescribed form dated 6.9.2002 for obtaining pension. It is contended that the date of birth of the petitioner is mentioned as 1.1.1948 in Saving Bank Account No. 441212110000005 of Bank of India, Piplawan Branch, Naubatpur, Patna, which was submitted on 31.7.2014 for the purpose of getting family pension after death of her husband. The age of the petitioner is mentioned as 65 years old vide certificate dated 29.1.2014 issued by the member of Panchayat Samiti, Jaitipur, Naubatpur, Patna, and the age of the petitioner is mentioned as 68

years in Ration Card for availing the Public Distribution System facility and further in voter identity card, the age of the petitioner is mentioned as 54 years on 1.1.2002.

I have perused the documents annexed to the counter affidavit filed on behalf of the Respondent No. 2. The contention of the Respondents seems to be correct from perusal of those documents. The petitioner has not filed any rejoinder to the counter affidavit filed on behalf of Respondent No. 2.

In view of the statement made in the counter affidavit filed on behalf of the Respondent No. 2 and the documents annexed therewith, this Court is of the opinion that the petitioner has failed to establish the fact that her age is between 80 and 85 years. In that view of the matter no mandamus can be issued in her favour for payment of enhanced pension.

Accordingly, the application being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29/11/2016
Transmission Date	NA