

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22364 of 2012

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Godawari Devi, Wife of Late Ramakant Mishra, Resident of Vijay Nagar, P.S. +
P.O. + District- Banka

.... Petitioner/s

Versus

1. The Union of India through Secretary, Home, New Delhi.
2. The Secretary, Ministry of Finance, Govt. of India, New Delhi- 1
3. The Chairman, Central Board of Excise And Customs, Govt. of India, New Delhi
4. The Commissioner, Central Excise Division, Bhagalpur, Bihar
5. The Dy. Commissioner, Central Excise Division, Bhagalpur, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate.

For the Respondent/s : Mr. Anshay Bahadur Mathur, C.G.C.

Mr. Dr. Anand Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 20-08-2016

Heard learned counsel for the parties.

2. The grievance of the petitioner is stoppage of Family Pension vide letter dated 3rd of February, 2005.

3. The husband of the petitioner superannuated from the post of Record Keeper from the Department of Central Excise and Customs, Patna on 30th of June, 1979. A Pension Payment Order dated 1st of July, 1979 was issued. The husband of the petitioner died on 10th of July, 1994. He received pension under the said Pension Payment Order. It is thereafter, the petitioner, after the death of her husband, started receiving Family Pension from August, 1994 till

May, 2005. It is thereafter, the pension was stopped. The reason is that in the Pension Payment Order there is interpolation inasmuch as the monthly pension amount of Rs. 178/- has been increased to Rs. 1178/- and the petitioner continued to get pension of the said amount. On the basis of such allegation, a criminal case has been registered, which is pending trial.

4. The question as to whether there is interpolation in the Pension Payment Order, and if so, then on whose instance, is required to be decided by the criminal court. Since the allegation against the petitioner is of forgery in the Pension Payment Order, I do not find that any case is made out for restoration of the pension pending criminal trial on account of an F.I.R. lodged against the petitioner for making forgery in the Pension Payment Order.

5. In view thereof, the writ application is dismissed.

(Hemant Gupta, J)

P.K.P.
N.A.F.R.

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