

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1936 of 2015

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1. Kamla Devi wife of Late Yugeshwar Pandit resident of village - Awari, P.S. - Saharghat, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Education, Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Education Officer, Darbhanga.
5. The District Programme Officer (Establishment), Darbhanga.
6. The District Education Officer, Madhubani.
7. The District Programme Officer (Establishment), Madhubani.
8. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur-2, Adv.
For Respondent No.1 to 7 : Ms Nutan Kumari Sharma, A.C. to GA-1
For Respondent No.8 : Mr. Prabhat Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 12-01-2017

The instant writ application has been filed for a direction to the respondents to ensure payment of family pension to the petitioner with effect from 08.01.1975 and further to ensure payment of arrear and other ancillary reliefs.

2. It is submitted by the learned counsel for the petitioner that the husband of the petitioner was appointed as Assistant Teacher on 24.06.1970 in Middle School, Hathauaal, Block Baheri in the district of Darbhanga. He died on 07.01.1975 and since then the family pension is not being paid to the petitioner.



3. On the other hand, learned counsel for the State submits that the writ application is fit to be dismissed on the principle of delay and laches as the petitioner has approached this Court for grant of family pension after 40 years of death of her husband. She submitted that the delay in approaching the Court has not been explained in any manner by the petitioner. She further contended that even the service book of the petitioner is traceless.

4. I have heard learned counsel for the parties and perused the record.

5. I find substance in the submission made on behalf of the State. The petitioner has not explained the reason for the inordinate delay in approaching the Court for redressal of her grievances.

6. In view of the delay of four decades caused in filing the writ application from the date of cause of action in the opinion of this Court, the petitioner is not entitled to the relief claimed.

7. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18-01-2017
Transmission Date	

