

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3048 of 2016

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Geeta Devi, Wife of Late Naresh Prasad Singh, Resident of Village and
P.O. - Secrari, P.S. and District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Education Department, Govt. of Bihar, Patna.
3. The District Education Officer, Jamui, District Jamui.
4. The District Programme Officer, Establishment Jamui, District Jamui.
5. The Treasury Officer, Jamui Treasury, District- Jamui.
6. The Drawing and Disbursing Officer, Kanya Middle School Khaira,
District- Jamui.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.
For the Respondent/s : AC to SC-5

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 10-08-2017 Heard Mr. Pankaj Kumar, learned Counsel appearing
on behalf of the petitioner and learned AC to SC-5, appearing on
behalf of the respondent State.

The present Writ application has been filed for a
direction to the respondent authorities to make the payment of
arrears of family pension along with penal interest calculated from
May, 2013 to January, 2015.

The husband of the petitioner was appointed as
Assistant Teacher and pursuant thereto, he joined on 31st of
March, 1976. The husband of the petitioner died in harness on
03.09.2009 after giving more than 33 years of service. After death



of the husband of the petitioner, family pension P.P.O. No.201112123185 was issued and the petitioner was regularly receiving her family pension, but due to ill health, she could not receive the pension from May, 2013 to January, 2015 for which the petitioner has submitted a representation on 13.02.2015 before Respondent No.5, the Treasury Officer, Jamui, but till date the payment has not been made. Hence, the present Writ application.

Learned Counsel appearing on behalf of the respondent State submits that at present he does not have any instruction with regard to non-payment, but it appears that the petitioner has herself admitted that due to her ill health she could not receive the family pension. In such situation, she is not entitled for interest on the amount due against family pension.

Since the Writ application was filed on 12.02.2016 and till date no counter affidavit has been filed, this Court is not inclined to adjourn the matter any further.

Considering the rival submissions of the parties, the writ application is disposed of with a direction to Respondent No.5, the Treasury Officer, Jamui, to consider and dispose of the petitioner's representation dated 13.02.2015, as contained in Annexure-1 and make payment of the admitted dues within a period of two months.



So far as penal interest is concerned, since it is admitted by the petitioner herself in paragraph 7 to the Writ petition that she could not receive the pension due to her ill health, this Court is not inclined to give any direction for payment of penal interest.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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