

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4854 of 2016

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Chandrawati Devi, wife of Late Ambika Mishra, resident of Village- Pachar, P.O.-
Sarawak, Police Station- Rafiganj, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Patna.
2. The Secretary, Urban Development Department, Government of Bihar.
3. The District Magistrate, Aurangabad.
4. The Sub-Divisional Magistrate, Aurangabad.
5. The Executive Officer, Nagar Panchayat, Rafiganj, District- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the petitioner; State and Nagar
Panchayat, Rafiganj.

2. The only controversy remaining in the present writ application is whether the petitioner, who is the widow of a deceased employee of the Nagar Panchayat, Rafiganj is entitled to payment of family pension beyond a period of five years from the date of death of her husband. As of now, the family pension under the Bihar Municipal Officers and Servants Pension Rules, 1987 (hereinafter



referred to as the 'Rules') and Rule 37 thereof, what has been paid is the only admissible amount as beyond a period of five years such payment cannot be made. However, Rule 37 of the Rules also provides that the pension shall be admissible in case of widow or widower upto the date of death or remarriage, whichever is earlier.

3. Learned counsel for the petitioner has drawn the attention of the Court to the fact that the State Government has communicated to various Municipalities that they are free to take a decision in terms of Rule 37 of the Rules and in the case of Muzaffarpur and Gaya Municipalities, a decision has been taken in favour of the persons, who were hit by the bar of Rule 35 of the Rules.

4. Learned counsel for the Nagar Panchayat, Rafiganj submitted that till the time a decision is not taken by the Nagar Panchayat, Rafiganj, the petitioner cannot be granted further family pension. However, he submitted that the Nagar Panchayat, Rafiganj shall communicate with the State Government for seeking permission to take a decision on the issue in terms of Rule 37 of the Rules.

5. Having considered the matter, the writ petition stands disposed off with liberty to the Nagar Panchayat, Rafiganj to expedite the matter relating to taking a decision as to whether the



provisions of Rule 37 shall be made effective in the Nagar Panchayat, Rafiganj, after following the due procedure in law. Depending on the decision taken by the Nagar Panchayat, Rafiganj in the matter, the case of the petitioner shall also be considered.

(Ahsanuddin Amanullah, J.)

P. Kumar

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