

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1957 of 2010

In

Civil Writ Jurisdiction Case No.11160 of 2005

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1. THE UNION OF INDIA THROUGH THE DIRECTOR GENERAL BOARDER SECURITY FORCE, NEW DELHI
 2. THE DIRECTOR GENERAL OF POLICE, BORDER SECURITY FORCE, NEW DELHI
 3. THE DEPUTY INSPECTOR GENERAL, B.S.F. TRAINING CENTRE & SCHOOL HAZARIBAGH, BIHAR
 4. THE COMMANDANT, 18TH BATTALION BORDER SECURITY FORCE (BSF), FAJILKA, DISTT.- FAJILKA (PUNJAB)
 5. THE PAY & ACCOUNTS OFFICER CENTRAL PENSION ACCOUNTING OFFICE, GOVT. OF INDIA, NEW DELHI

... .. Appellant/s

Versus

JUHI DEVI W/O LATE HRIDYA KUMAR C/O MUKTINATH SHARMA, VILL.- SHARMA TOLA, P.S.- GOBIND GANJ (ARERAJ), DISTT.- EAST CHAMPARAN, PERMANENT R/O VILL.- SHIKARPUR, P.S.- MAJHOWLIYA, DISTT.- WEST CHAMPARAN (BIHAR)

... .. Respondent/s

Appearance :

For the Appellants : Mr. S.D.Sanjay, Addl. S.G.
Mr. Raqvinder Kumar, C.G.C.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

8 30-10-2017 It is a misplaced kind of appeal which shows lack of sensitivity on the part of the authorities of the Union of India. The learned single Judge has rightly interpreted the interplay of Rule 12A of the Central Civil Services (Extraordinary Pension) Rules and the entitlement under the family pension scheme and allowed the writ application giving a direction for payment of



family pension because the widow remarried the younger brother of her husband on 16.07.1994.

The hyper-distinction which is being sought to be made on behalf of the Union of India in the appeal is misplaced kind of interpretation. No interference is warranted with the order of learned single Judge dated 26.04.2010, since it will have the effect of negating the provisions of Rule 12A.

The appeal is dismissed.

Respondents are directed to comply with the order and direction of the learned single Judge within two months from today as the order has been passed in the presence of learned Additional Solicitor General for the Union of India.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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