

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1099 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 2651 of 2015**

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1. The State of Bihar through the Secretary, Department of Art, Culture and Youth, Government of Bihar, Patna.
 2. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
 3. The Director, Patna Museum, Patna.

.... Appellant/s

Versus

1. Rajmati Devi, wife of Late Nand Lal Prasad, resident of village Badha Balia Bujurg, M.P.O. Mathia, Narainpur, P.O.S.- Kuberasthan, District- Kushinagar (U.P.).
2. The Accountant General, (A & E), Bihar, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mritunjay Kumar, A.C. to AAG-6
For the Respondent/s : Mr. Sunil Kumar Karn, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 11-04-2017**

Delay in filing of the appeal is condoned. I.A. No. 3982
of 2016 stands allowed.

2. In the matter of granting Family Pension to the respondent-petitioner, widow of a deceased employee, after his death in harness on 23.03.2013, the learned Writ Court has not committed any error inasmuch as the husband of the respondent petitioner was a member of the Society. He was a regular employee who was absorbed in the service of the State Government, after the Society was taken



over by the Government on 02.03.2009 and a right had accrued to him prior to the year 2005 to claim Family Pension.

3. Taking note of all these factors in detail, the learned Writ Court having found that the writ petitioner, a widowed lady, is entitled to Family Pension, we see no error in the same warranting reconsideration.

4. The contention of the State that the previous service of the employee cannot be considered after absorption into State Government service has been rejected by the learned Writ Court on the basis of circulars and clarifications issued by the State Government and we find no error in the same warranting reconsideration.

5. The appeal being devoid of merit stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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