

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6173 of 2014

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Nandini Devi widow of Late Rajeshwar Prasad, resident of village- Akhtiyarpur,
P.O. - Chandwa, P.S.- Udwant Nagar, District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Urban
Development and Housing, Government of Bihar, Patna
2. Commissioner, Ara Municipal Corporation, Ara, District- Bhojpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subroteswar De, Advocate
For the State : Mr. Pramod Kumar Singh, A.C. to S.C.-16
For the Corporation : Mr. Bishwa Bibhuti Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 02-03-2017

By way of the instant writ application the petitioner has
prayed for direction to the respondent authority to pay the petitioner
arrear unpaid pension amount of her husband from April, 2004 to
April, 2009 and also four days pension for the month of June, 2013.

2. The late husband of the petitioner was a Class-IV
employee of Ara Municipal Corporation. He retired on 31st March,
2004 and died on 05.06.2013.

3. A counter affidavit has been filed on behalf of Ara
Municipal Corporation wherein it has been stated that payment of



arrears of pension for the period April, 2004 to April, 2009 has already been made to the petitioner. It is submitted by the learned counsel for the Municipal Corporation that the deceased employee had received pension amount for the period May, 2009 to May, 2013. He submitted that pension of four or five days, whatever in accordance with law for the month of June, 2013 is pending, would be paid to the petitioner without any delay.

4. At this stage, learned counsel for the petitioner submitted that though the petitioner has been paid pensionary benefits, the petitioner is not being paid family pension after the death of her husband. In this regard learned counsel for the Municipal Corporation submitted that grant of family pension is not admissible to the employees of the Ara Municipal Corporation as the Corporation, a local body and a State under Article 12 of the Constitution of India, has never implemented family pension scheme and, as such, the petitioner is not entitled for family pension.

5. Regard being had to the submissions made by the parties, I am of the view that the relief prayed for by the petitioner in respect of family pension cannot be allowed, as the scheme has not been adopted by the Ara Municipal Corporation. However, the respondent Corporation is directed to pay the due pension amount of 4 or 5 days, whatever is admissible to the petitioner for the month of June, 2013



without any delay.

6. With the aforesaid observations and directions, the writ application is disposed of.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	4.3.2017
Transmission Date	

