

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.858 of 2013**

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1. Shobha Devi, W/o Late Raj Kishore Sah, R/o- at & P.O.- Mathna Milik, Via-Baghi, P.S.- Goraul, District- Vaishali.  
2. Shobha Devi W/O Late Raj Kishore Sah R/O At & P.O.- Mathna Milik, Via-Baghi, P.S.- Goraul, District- Vaishali

.... .... Petitioner/s

Versus

1. The State Of Bihar  
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna.  
3. The Director General of Police, Govt. Of Bihar, Patna  
4. The Inspector General of Police, Patna Zone, Patna  
5. The Superintendent of Police, Bhojpur at Arah  
6. The Accountant General, Bihar, Patna  
7. The Treasury Officer, Muzaffarpur.  
8. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Priyadharshi Matri Sharan, Adv.  
For the State : Mr. Jay Prakash Sharma, A.C. to GP-XXI  
For the Accountant General : Mrs. Nivedita Nirvikar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

**ORAL JUDGMENT**

**Date: 10-01-2017**

The instant writ application has been filed by the petitioner, a widow of the deceased Sub-Inspector of Police Late Raj Kishore Sah, who died during discharge of duty in an encounter with Naxalites. The prayer of the petitioner is to direct the respondents to give benefit of extra-ordinary family pension till the date of retirement of her deceased husband as per Gazette notification dated 14th November, 2005 published by the State Government, specially in view of clause 7 of the said notification.

2. I have heard learned counsel for the petitioner, learned



counsel for the State and learned counsel for the Accountant General.

3. A supplementary counter affidavit has been filed on behalf of respondent no.5 wherein it has been stated that the claim of the petitioner for grant of extra-ordinary family pension was considered by a Committee in a meeting headed by the Chief Secretary of Bihar on 20<sup>th</sup> September, 2016. The Committee recommended that in the light of the provision contained in Clause 4(2)(i) of resolution of F.D., in special case, benefit of extra-ordinary pension be granted to the petitioner till the date of retirement of her deceased husband. It is further stated that after receiving the above order, a letter was sent to the Accountant General, Bihar on 25<sup>th</sup> October, 2016 to re-fix the family pension of the petitioner.

4. Today, yet another counter affidavit has been filed on behalf of respondent no.7 wherein it has been stated that the Accountant General, Bihar, Patna has already authorized enhanced family pension to the petitioner and a communication in this regard has been made to the Treasury Officer, whereafter the Treasury Officer forwarded the same to the Branch Manager, State Bank of India, Kalyani Market, Muzaffarpur, from where the petitioner is receiving pension, on 27<sup>th</sup> December, 2016 with a request to make payment of enhanced family pension to the petitioner.

5. Learned counsel for the State has contended that in the



light of the decision taken by the State and the authorization made by the Accountant General, Bihar, enhanced family pension of the petitioner shall be credited to the account of the petitioner soon.

6. In the light of the averments made in the counter affidavit filed on behalf of respondent no.7 and the supplementary counter affidavit filed on behalf of respondent no.5, learned counsel for the petitioner submits that since the grievances of the petitioner have been redressed, the application may be disposed of.

7. The writ application is accordingly disposed of.

**(Ashwani Kumar Singh, J)**

Pradeep/-

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