

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.767 of 2015

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Laichi Devi, wife of Late Ishwar Singh, resident of village-Jagiraha, P.O.-Amarpur,
P.S.-Mohammadpur, District-Gopalganj.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The District Education Officer, Saran at Chapra District-Saran at Chapra.
3. The District Program Officer (Establishment), Saran at Chapra, District-Saran at
Chapra.
4. The Treasury Officer, Gopalganj, District-Gopalganj.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate

For the Respondent/s : Mr. Partha Sarthi, GA-11

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 30-01-2017

The instant writ application has been filed for
issuance of an appropriate writ for revision of pension of husband
of the petitioner with effect from 01.01.1996 and also to revise the
family pension with effect from 01.01.2006.

2. It is contended by the learned counsel for the
petitioner that husband of the petitioner was appointed as an
Assistant Teacher. He superannuated from his post on 30th
November, 1996 on attaining the age of retirement. Thereafter, his
pension was fixed vide P.P.O. No. 267113. He died on 17th January,



2005 leaving behind his widow i.e. the petitioner and after his death, the petitioner is getting her family pension. However, in the year 1999, the State Government took a decision regarding revision of pension/family pension in respect of employees who retired or died after 01.01.1996, but in case of the petitioner neither pension of her husband has been revised with effect from 01.12.1996 nor the family pension has been revised with effect from 01.01.2006 till date. He contended that the State Government through Finance Department also issued Resolution No. 137 of 2008 dated 23.09.2009 whereby an instruction has been issued in respect of those employees who retired or died prior to 01.01.2006. It is stated in the resolution that in case of such employees, pension/family pension could be revised with effect from 01.01.2006 and its monetary benefits would be paid with effect from 01.04.2007 pursuant to the recommendation of the Sixth Central Pay Commission Report.

3. On these submissions, learned counsel for the petitioner would submit that the pension of the deceased husband of the petitioner should be revised with effect from 01.12.1996 and family pension of the petitioner should be revised with effect from 01.01.2006.

4. The State has contested the matter.



5. Pursuant to the order passed by this Court, respondent no.3, Dilip Kumar Singh is personally present before the Court. A counter affidavit has been filed on behalf of the respondent no.3

6. It has been contended by the learned counsel for the State that vide letter No. 4348 dated 19.12.2016, the petitioner was asked to furnish the service book, which was received by her on 20th of December, 2016. A reminder was also sent to her vide Letter No. 18 dated 06.01.2017 by the respondent no.3 for furnishing the service book so that proper action may be taken in respect of revision of pension/family pension in case of the petitioner. The petitioner filed her reply stating therein that service book of her husband has been filed in Civil Court, Gopalganj in a family dispute matter and only after obtaining the same from the Court, it would be handed over to the respondent.

7. It is submitted on behalf of the State that the action for revision of pension/family pension in case of the petitioner cannot be taken in absence of the service book.

8. Learned counsel for the petitioner does not dispute the aforesaid contention advanced on behalf of the State. He would submit that efforts have been made to obtain the service book and as soon as the same would be received, it would be filed before



the respondent authority.

9. Regard being had to the submissions made on behalf of the parties, the writ application is disposed of with a direction that the petitioner shall file proper representation along with service book before the respondent no.3, the District Programme Officer, Saran at Chapra without any undue delay. In case such a representation is filed along with the service book of the husband of the petitioner, respondent no.3 shall examine the claims of the petitioner and dispose of the same by passing a reasoned order within six weeks from the date of filing of such representation.

10. It is made clear that the sanction order for payment of admissible due to the petitioner shall also be passed by the respondent no.3 within the aforesaid period of six weeks and the same shall be transmitted to the Accountant General, Bihar, Patna.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.02.2017
Transmission Date	NA

