

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15677 of 2016

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Babita Kumari, Wife of Mritunjay Kumar, resident of Mohalla- New Bangali Tola, Samta Path, Infront if Chanakya Law College near Mithapur Bus Stand, P.O. GP.O., P.S.- Jakanpur, District- Patna

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar.
 2. The Principal Secretary, Road Construction Department, Bihar, Patna.
 3. The Chief Engineer, Road Construction Department, Bihar, Patna.
 4. Superintending Engineer, Road Construction Deptt. Bihar, Patna.
 5. Executive Engineer, Ganga Pul Pariyojana Road Construction Deptt. Bihar, Patna.
 6. The Joint Secretary, Road Construction Department, Bihar Patna.
 7. The Accountant General, Bihar, Patna
- Respondents
- =====

Appearance :

For the Petitioner : Mr. Binay Kumar Singh, Adv.

For the Respondents : Mr. Raj Ballabh Pd. Yadav, AAG XI

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 04-01-2018

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court seeking family pension and other retiral dues of her late husband, who died in harness.

3. The husband of the petitioner was appointed on 22.12.1994 on the post of Accounts Clerk on compassionate ground. While still in service he died on 26.09.2012. The claim for retiral benefits, including family pension, has been rejected by the authorities on the ground that though technically the husband of the petitioner was in service, but, he has actually attended office and worked only for one year and two months.

4. Learned counsel for the petitioner submitted that she has an old mother-in-law and her own family, which is now left without any succor and, thus, the Court may intervene to allow at least family pension.

5. The position in law being settled that grant of family pension is totally based on the statutory provisions, in the facts and circumstances of the present case, the Court is unable to issue any direction for grant of family pension.



6. However, on a query of the Court as to whether the petitioner had applied for any other benefit, learned counsel for the petitioner submitted that she has also applied for compassionate appointment, but, the authorities are not taking any decision on the same.

7. Be that as it may, since that issue is not before the Court in the present writ petition, the Court is unable to go into that aspect. However, if there is any application pending with the authority with regard to compassionate appointment to the petitioner, the authorities are obliged to look into the same in accordance with law and take a final decision in the matter.

8. In view thereof, the writ petition stands disposed off with liberty to the petitioner to file a representation before the respondent no. 5 with regard to her claim for compassionate appointment. The respondent no. 5 shall look into the same and also keep in mind as to whether, as has been claimed by the petitioner she had applied in the required proforma on 11.09.2013, for compassionate appointment. If consideration is pending, a final decision shall be taken and a reasoned order passed in accordance with law, within two months from the date of production of a copy of this order before the respondent no. 5.

(Ahsanuddin Amanullah, J)

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