

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8805 of 2016**

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Shushila Devi W/o Sri Surendra Prasad @ Surendra Prasad Singh Resident of  
Village Auta Raghuram Tola P.S. Hathidah, P.O. Mokama Ghat, District  
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Revenue and Land Reforms Govt. of Bihar, Patna.
2. The Revenue Secretary Cum-Commissioner, Land Reforms, Bihar, Patna.
3. The Settlement Officer, Darbhanga, District - Darbhanga.
4. The Treasury Officer, Darbhanga.
5. The Provident Fund Officer, Darbhanga.
6. The Director Health Services, Bihar, Patna.
7. Treasury Officer, Vaishali, District Vaishali.
8. The Finance Secretary, Bihar, Patna.
9. The Accountant General, Bihar, Patna

... .. Respondent/s

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**Appearance :**

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|----------------------|---|---------------------------------------|
| For the Petitioner/s | : | Mr. Vijay Kumar Mishra, Advocate      |
| For the State        | : | Mr. Rishi Raj Sinha, S.C.-19          |
|                      |   | Mr. Akhilesh Kumar Sinha, AC to SC-19 |
| For the A.G.         | : | Mr. Gitendra Kumar Ray, Advocate      |

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN**  
**AMANULLAH**

**ORAL JUDGMENT**

**Date : 23-02-2018**

Heard learned counsel for the petitioner and State.

2. In view of the materials brought on record, it transpires that initially, the petitioner's late husband was given pension on the basis of the salary of Rs. 8900/-, but later on, it was noticed that the same was incorrect and it should have been Rs. 8500/- and request was made by the Accountant General to get the same re-fixed by the Pension Cell of the Finance Department, which,



ultimately, has been fixed at Rs. 8300/-. Thus, the stand is that Rs. 52,415/- has been paid in excess.

3. At this juncture, the Court made a query to learned counsel for the petitioner as to whether he was agreeable to prospective payment being made in the scale to which her deceased husband was entitled, i.e. ,Rs. 8300/- and the alleged excess payment be held to be not recoverable, the learned counsel for the petitioner agrees to the same.

4. In view thereof, the writ petition stands disposed off with a direction that the pensionary benefits of the petitioner be fixed treating the pay of her late husband at the time of his superannuation to be Rs. 8300/-. However, whatever excess payment has already been paid, either to the late husband of the petitioner or the petitioner herself, the same shall not be recovered, as the same was not on account of any fraud or misrepresentation on their part.

**(Ahsanuddin Amanullah, J.)**

Ajay Gupta/-

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