

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13468 of 2017

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Shashibala Shukla, W/o Late Umakant Shukla, Resident of Mohalla- Raghunath Tola, Anishabad, P.S.- Gardanibagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director Agriculture Department, Government of Bihar, New Secretariat Building, Patna.
3. Accountant General, Government of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binoy Kumar Singh, Advocate
For the State	:	Mr. Chittaranjan Sinha, P.A.A.G. 2
		Mr. Shailendra Kumar, A.C. to P.A.A.G. 2
For the Accountant General	:	Mr. Arun Kumar Arun and
		Mr. Atul Anand, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 21-03-2018

Heard learned counsel for the petitioner; State and
Accountant General.

2. The petitioner has moved the Court for grant of family
pension.

3. The petitioner joined the Agriculture Department on
02.01.1959 and was deputed to the State Bank of India on
30.06.1973. In the year 1978, he was permanently absorbed in the
State Bank of India and thereafter superannuated from service under
the State Bank of India on 31.08.1995.

4. The stand of the State is that as per the provisions of
the Bihar Pension Rules, 1950 (hereinafter referred to as the 'Rules'),



especially in this regard, which is part of Rule 134 of the Rules, upon permanent absorption in the service of Public Sector Undertakings, Government Servants would not be entitled to family pension, the Court finds that the relief claimed by the petitioner cannot be granted by the Court. Pensionary rights are not fundamental in nature and are governed by the policy of the employer. In the present case, prior to his absorption by the State Bank of India, the Rules provided that upon permanent absorption, the State of Bihar shall not be liable for any family pension, the husband of the petitioner still opted for permanent absorption of his service under the State Bank of India, the petitioner being the widow cannot claim that she should be paid when the Rules specifically bars such payment.

5. Having regard to the aforesaid, the Court does not find any ground for interference and accordingly, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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