

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16585 of 2016

=====

Ramjala Devi, W/o Late Mukteshwar Prasad Singh, resident of village + P.O.-
Barahiya Ramcharan Tola, Patti Duanni, Ward No.-6, P.S.-Barahiya, District-
Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director-in Chief, Health Services, Govt. of Bihar, Patna
3. The Accountant General, Bihar, Patna
4. The District Magistrate, Lakhisarai, District-Lakhisarai
5. The Civil Surgeon-Cum-Chief Medical Officer, Lakhisarai, District-Lakhisarai
6. The District Provident Fund Officer, Lakhisarai, District-Lakhisarai
7. The Incharge Medical Officer, Halsi, District-Lakhisarai

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate
For the State : Mr. Ajay Behari Sinha, G.A-8
Mr. Suryakant Kumar, AC to GA-8
For A.G. Bihar : Mr. Satyendra Kumar Jha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 20-07-2018

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

2. The petitioner has moved the Court for the
following reliefs :

“ (I) For issuance of an appropriate writ in
the nature of certiorari for quashing the part of the
pension payment order passed by the Accountant
General on 01. February, 2014 whereby the family
pension of the petitioner has been fixed counting
the net qualifying service of her husband (deceased
employee) only 14 year 6 months and 2 days in



place of 24 years, 6 months and 20 days contrary to the order passed in CWJC No.554/2013 dated 06.08.2013.

(II) For issuance of an appropriate writ in the nature of Mandamus Commanding and directing the respondent authority to fix the full family pension in view of clause -6 of letter No. 38/37/80 P & PW(A) dated 06.04.2016 issued by Government of India in its Ministry of Personnel, P.G. and Pensions, Department of Pension and pensioners Welfare, New Delhi whereby the pro-rata reduction on account of less service than 33 years has been deleted as the husband of the petitioner has completed 24 years, 6 months and 20 days as Basic Health Worker and payment of all post retiral dues upon fixation of full family pension.

(III) For issuance of any other writ/writs, direction/directions for which the writ petitioner shall be found entitled under facts and circumstances of the case.”

3. From the stand in the counter affidavit, it is clear that all reliefs have been granted except for full pension on account of completion of less than 33 years of service.

4. The contention of learned counsel for the petitioner is that there is an agreement between the parties, i.e., the Union of the



employees and the Government with regard to granting similar benefit as is available to the Central Government employees which includes giving full pensionary benefits upon completion of 20 years of service as has been granted by the Central Government to its employees which would be clear from Annexure-10 to the writ petition which is copy of Memo No.38/37/08-P&PW (A) dated 06th April, 2016.

5. Be that as it may, an agreement between the parties may bind those parties but the Court in its present jurisdiction is not inclined to go into the aspect of getting the agreement between the parties implemented by an order of the Court. Accordingly, the writ petition stands disposed off with liberty to the petitioner to move before the appropriate form, in accordance with law, if she desires to get any agreement between the parties enforced. The Court would further observe that if in future the State comes out with any decision which benefits the petitioner, he shall also be granted the same relief.

(Ahsanuddin Amanullah, J)

N.H./-

AFR/NAFR	
U	

