

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4647 of 2018

Mostt. Sultana Begum widow of late Md. Yamin resident of Muhalla
Sadikpur Aadhar Market, Police Station Alamganj, District-Patna

... .. Petitioner/s

Versus

1. The Bihar Legislative Council through its Secretary, Bihar, Patna
2. The Incharge Secretary, The Bihar Legislative Council, Bihar, Patna
3. The Under Secretary, The Bihar Legislative Council, Bihar Patna
4. The State of Bihar through Commissioner, Finance Department,
Government of Bihar, Patna
5. The Accountant General, Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Sinha -2
For the Respondent/s : Mr. Sarvesh Kumar -Gp24

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-11-2018 Heard learned counsel for the petitioner, learned
counsel for the Bihar Legislative Council and learned counsel
appearing on behalf of the Accountant General, Bihar, Patna.
Learned counsel for the State is also present.

Petitioner had earlier moved this Court in C.W.J.C.
No. 8204 of 2014 as contained in Annexure-5 which was
dismissed on 20.03.2017. The prayer in the earlier writ
application was for payment of full pension of her deceased
husband and calculate family pension accordingly. This Court
finding that the petitioner's husband was departmentally
proceeded and by way of punishment compulsorily retired as
per Rule 46A of the Bihar Pension Rules, was entitled to receive



2/3rd of the pension and the pension of the petitioner has been fixed and dismissed the writ application accordingly. However, petitioner in the present application submits that office notes would not amount to an order on the representation of the petitioner's husband so filed and in spite of the direction in the earlier writ application respondent no. 2 has not communicated the order. Such non-compliance would not be a cause for filing the present writ application for the same cause of action i.e. for payment of full pension to the late employee and family pension to be calculated accordingly.

This writ application has no merit. It is dismissed.

(Nilu Agrawal, J)

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