

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19400 of 2016

Most. Pratima Devi

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Dhar Jha, Advocate
for the State	:	Mr. Asif Kalim, AC to AAG-12
For the Respondent NO.6	:	Mrs. Nivedita Nirvikar, Advocate.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-01-2019 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the State and learned counsel appearing on behalf of Accountant General, Bihar, Patna.

Petitioner prays for payment of family pension on the basis of promotion of her husband late Janardan Thakur who retired from the post of Head Clerk in the Office of the respondent no.5, The Circle Officer, Parbatta, District-Khagaria. Petitioner's husband retired on 31.12.1991 and vide order dated 31.05.1994 as contained in Annexure-2, he was granted over time super selection grade with effect from 01.12.1989 to 31.12.1991. Accordingly, the pension of the petitioner's husband had to be fixed.

It has been submitted by the counsel for the petitioner that pension of her husband was fixed by the office of the Accountant General on old scale without giving benefit of over time super selection grade as is evident from Annexure-B which



is the PPO of the Accountant General dated 23.12.1992. The pension of petitioner's husband was fixed at Rs.1098/- with effect from 01.01.1992 without giving the benefit of over time super selection grade granted to the husband of the petitioner vide Annexure-2 dated 31st May, 1994 with effect from 01.12.1989.

Considering the submission of the parties, this writ application is disposed of with a liberty to the petitioner to file a fresh representation before the respondent no.5, the Circle Officer, Parbatta, District-Khagaria which will be disposed of within a period of four months from the date of filing of such representation. Any amount so calculated would be paid to the petitioner within one month thereafter. If the petitioner is not entitled to certain amount, the same would be communicated to the petitioner by speaking order through speed post.

(Nilu Agrawal, J)

B.Kr./-

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