

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20274 of 2016

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Lalmoti Devi, Wife of Late Krishan Chander Singh, Resident of Village:-
Dhanupra, P.O.- Kolwara Via Jaitpur Estate, P.S. Saraiya District:-
Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Home,
Government of Bihar, Patna.
2. The Principal Secretary, Department of Finance, Government of Bihar.
3. The Accountant General, Bihar, Patna.
4. The Director General of Police (DGP), Bihar, Patna.
5. The District Treasury Officer, Muzaffarpur.
6. The Chief General Manager, State Bank of India, Local Head Office, Gandhi
Maidan.
7. The Assistant General Manager, State Bank of India, Local Head Office,
Gandhi Maidan.
8. The Branch Manager, State Bank of India, Jaitpur Branch, District:-
Muzaffarpur.
9. The Superintendent of Police, Bhagalpur.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar Sharma, Adv.
For the Respondent/s	:	Mr. Anil Kumar, AC to SC-8
For the A.G.	:	Mr. Mani Kant Mishra, Adv.
For the SBI	:	Mr. Sanjiv Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

6 02-01-2019 Heard Mr. Saroj Kumar Sharma, learned counsel for

the petitioner, Mr. Anil Kumar, learned AC to SC-8, for the

State, Mr. Mani Kant Mishra, learned counsel for the

Accountant General and Mr. Sanjiv Kumar, learned counsel for

the State Bank of India.

The petitioner approached this Court because
according to her, her deceased husband was not accorded the
benefit of 5th Pay Revision Commission report which was made
effective from 1.1.1996 with actual payment from 1.4.1997. The



husband of the petitioner deceased on 12.8.1998 and although retiral benefits has been paid to her but according to her, it was at a lower scale because of denial of the benefit of 5th Pay Revision Commission report.

This matter was taken up on 28.11.2018 and this Court taking note of the grievance of the petitioner required the State counsel to seek instruction. It is following the order so passed that a supplementary counter affidavit is filed on behalf of the State and Paragraph-4 thereof accepts entitlement of the petitioner to receive salary admissible to her late husband for the period 1.4.1997 until his death on 12.8.1998 as per 5th Pay Commission report. It is mentioned that the order for payment of differential amount of salary has been issued bearing Memo No. 447 dated 1.12.2018 and the Senior Superintendent of Police, Bhagalpur has been directed to make payments. Copies of the orders are enclosed at Annexures-H and I.

In so far as revision of pension is concerned, Mr. Mani Kant Mishra, learned counsel for the Accountant General, informs that the revised pension payment order has been issued on 4th December, 2018 and accordingly, family pension of the petitioner would be revised as well her arrears as found admissible would be paid to her.



The submissions of learned counsel noted above would confirm that on principle there is no dispute as to the entitlement of the petitioner for fixation of salary of her late husband and for consequential benefits arising therefrom and necessary orders have also been passed. Let the orders so passed be implemented and accordingly, payments towards arrears of salary as well as differential amount of arrears of pension be paid to the petitioner through the State Bank of India expeditiously by the concerned respondents preferably within three months from today.

With the observation and direction above, the writ petition is disposed of.

(Jyoti Saran, J)

Archana/
Surendra

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