

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8788 of 2018

Mira Devi Wife of Late Bijay Kumar Maharaj, Ex-ASI, GRP Railway, Jehanabad, Resident of Village-Naya Mohammadpur, P.S. Koilwar, District-Bhojpur, Ara.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. THE Director General of Railway, Bihar, Patna.
3. The Inspector General of Railway, Patna, Bihar.
4. The Accountant General A and E, Bihar, Patna.
5. The Accounts Officer, Bhojpur, Ara, Bihar.
6. The Senior Superintendent of Police, Rail, Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner	:	M/s Awadhesh Kumar Mishra, Ajay Yadav, Sandhya Sharma & Rita Rai, Advts.
For the State	:	Mr. Sheo Shankar Prasad, SC. VIII with Mr. H.S. Sundar Rai, AC to SC VIII
For Respondent 4	:	Mrs. Nivedita Nirvikar, Adv.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 04-04-2019 Heard the learned counsel for the petitioner and the learned counsels appearing for the State as well as the Accountant General, Bihar, Patna.

A supplementary counter affidavit has been filed by State on behalf of respondent no. 6, the Senior Superintendent of Police, Rail Patna, wherein at Annexure 'D' by letter no. 2447, dated 24.11.2018, the office of the Accountant General Pension Fixation Branch has been communicated to pay 100 per cent of the family pension in view of Memo No. PC-1-Misc-32/90/9961, dated 03.09.1996, of the Finance Department.



Admittedly the petitioner being the second wife of late Vijay Kumar Maharaj is receiving 50 per cent of family pension, but, the said letter has been issued to the Accountant General Office for payment of 100 per cent of family pension to the petitioner, which is Annexure 'D' to the supplementary counter affidavit.

Considering the averment made in the supplementary counter affidavit at Annexure 'D', this writ application is disposed of with a direction to the respondent no. 4, the Accountant General, Bihar, Patna, to undertake the exercise and sanction 100 percent of family pension in favour of the petitioner within a period of one month from the date of receipt/production of a copy of this order.

This writ application is **allowed**, accordingly.

(Nilu Agrawal, J)

Shamshad/-

U			
---	--	--	--

