

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23410 of 2019

Dr. Sushil Kumar Singh @ Sushil Kumar Singh Son of Late Surendra Prasad Singh Resident of Uttari Dahiyawan Tola, P.O. and P.S.- Chapra, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Bihar, Patna.
2. Director Higher Education, Education Department, Bihar, Patna.
3. B.R.A. Bihar University Muzaffarpur through its Registrar.
4. Vice Chancellor B.R.A. Bihar University, Muzaffarpur.
5. Registrar B.R.A. Bihar University, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raushan Ujjwal Bhushan, Advocate
For the State	:	Mr. S. K. Ranjan, AC to GP 17
For the University	:	Mr. Anil Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 28-11-2019

Heard learned counsel for the petitioner; learned AC to GP 17 for the State and learned counsel for the BRA Bihar University (hereinafter referred to as the 'University').

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

“(i) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the B.R.A. Bihar University, Muzaffarpur (hereinafter referred to as the “University”) as well as the Education Department of the State Government to take steps towards payment of arrears of family pension for the period December,



2012 to December, 2015 and March, 2018 to 24/05/2018 which was not paid to the mother of the petitioner despite several correspondences and reminders in this regard;

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities for payment of arrears of enhanced family pension after completion of 80 years of age of the mother of the petitioner which has also not been paid;

(iii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities for payment of arrears of 7th Pay Commission from the date of publication of the notification regarding the payment for the same by the State of Bihar;

(iv) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities for payment of interest over and above the amount which is due in favour of the mother of the petitioner and has not been paid without there being any just and valid reason;

(v) Any other relief/reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the present case.”

3. The petitioner, who is the son of late Surendra Prasad Singh and late Savitri Devi, is claiming due arrears of family pension of his mother. Basically, the claim relates to the period December, 2012 to December, 2015 and March, 2018 to 24.05.2018.

4. Learned counsel for the petitioner submitted that twice earlier, when family pension was stopped, he had moved



before the authorities and the pension was started, but for the aforesaid period, the same was not paid. It was further submitted that with regard to enhancement of pension at the age of 80 years, the University itself in the year 2013 had intimated that the same was under process.

5. At this stage, on a query of the Court as to why the matter was not taken before the appropriate authorities, including the Court in the year 2013 and only upon the death of the mother of the petitioner, which is said to have occurred in the year 2018, the petitioner is pursuing the issue, learned counsel had no satisfactory reply except for the fact that he had made a representation before the authorities.

6. Having considered the matter, the Court in the peculiar facts and circumstances of the present case, is not inclined to interfere in the matter for the reason that the original beneficiary is no more alive and the petitioner being the son and fully capable of sustaining himself, and is aged 68 years, it would not be equitable to issue any specific direction for payment, as his mother has already passed away and her death cannot be taken as a fortuitous circumstance or windfall for the petitioner to derive some monetary benefit out of the death of his mother.



7. In view thereof, the application stands disposed off with liberty to the petitioner to pursue the matter before the authorities concerned, who are required to take steps, in accordance with law.

(Ahsanuddin Amanullah, J)

Ranjeet/-Ravi
Shankar

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