

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11475 of 2017

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Vinda Devi, Wife of Late Ved Narayan Mishra, Resident of Village- Chak Habib, Police Station Bibhutipur and District Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Patna
2. The Principal Secretary, Education Department, Bihar, Patna
3. The District Education Officer, Samastipur
4. The District Programme Officer (Est.), Samastipur
5. The Accountant General, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Apurva Kumar
For the Respondent/s : Mr. Ashutosh Ranjan Pandey- Aag15
For the Accountant Gen. : Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 21-05-2020

Heard learned counsel for the petitioner and Mr. A. R. Pandey, learned AAG-15 and Mr. Kumar Priya Ranjan, learned counsel for the Accountant General.

The petitioner has filed the present writ application for the following reliefs:

“(i) To make payment of arrears of family pension of the petitioner from 3.10.2015 till the present date as the husband of the petitioner died on 03.10.2015;

(ii) To make payment of interest on the arrears of family pension;

(iii) Further impose exemplary cost on the



respondents for harassing the petitioner who is an old widow;

(iv) For other relief or reliefs to which the petitioner is found entitled during the course of adjudication of the instant matter.”

Counsel appearing on behalf of the petitioner submits that the husband of the petitioner retired on 31.01.1995 and thereafter he died on 03.10.2015. He further submits that in terms of the pension scheme, the petitioner was entitled to family pension, but no action was taken by the respondent State notwithstanding the letter of the Accountant General dated 26.05.2017 (Annexure-9). Under the aforesaid circumstance, the present writ application has been filed on 09.08.2017.

At the request of the State, the case was earlier adjourned on 15.05.2019.

Mr. A.R. Pandey, learned AAG-15 informs the Court that the petitioner has been paid family pension after 01.03.2019, but arrears of family pension from 04.10.2015 to 28.02.2019 has not been paid. The amount is approximately rupees five lakh. He further submits that in this connection correspondence has been made by the State authorities to the office of the Accountant General.



The pension scheme was introduced with a view to provide social security and all concerned were obliged to take prompt action so that the pension including family pension is paid promptly. The action of the respondents in the present case would indicate that there was total lack of sensibility of the State authority. The arrears for the period 04.10.2015 to 28.02.2019 has not been paid even after 3 years of filing of the present writ application.

Under the aforesaid circumstances, the Court directs the respondent District Education Officer, Samastipur to take all steps to ensure payment of entire arrears of family pension to the petitioner within a fortnight from the date of receipt/production of a copy of this order, failing which the entire arrears of family pension for the period 04.10.2015 to 28.02.2019 will carry interest at the rate of 9% per annum, which shall be borne out by the District Education Officer, Samastipur from his own pocket.

The Court expects that the office of the Accountant General will do the needful with utmost dispatch.

Let a copy of this order be communicated to the Additional Chief Secretary-cum-Principal Secretary, Education Department to take personal care in the matter of payment of



family pension by the officials of the Education Department.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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