

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16716 of 2019

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Phuljhariya Devi W/o Late Dudhnath Singh, resident of Village- Nadhi, P.S.-
Agiaon Bazar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The Union of India through Deputy Inspector General of Police, Group Center, Central Reserve Police Force (CRPF) Gandhinagar, Gujrat.
2. The Deputy Inspector General of Police, Group Center, Central Reserve Police Force (CRPF), Gandhinagar, Gujrat.
3. The Assistant Accounts Officer, Union of India, Finance Department, Expenditure Department, Central Pension Accounts Office, Trikut II Bhikaji, Kamal Place, New Delhi.
4. The Director (Accounts) Salary and Accounts Office, Department of Home CRPF, Mahabir Nagar, New Delhi.
5. The Manager, State Bank of India (SBI), Centralized Pension Center, Forth floor, Administrative Office, Judges court Road, Patna.
6. The Branch Manager State Bank of India (SBI), Hasan Bazar, District- Bhojpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav, Adv.

For the Respondent

Union of India : Mr.Awadhesh Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 24-06-2020 The matter has been listed today for consideration
through Video Conferencing.

Learned counsel representing the petitioner, State, and
counsel for the Union of India are appearing and making
submissions from their residence. The Court Master and



Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard the parties.

Mathura Singh, retired as constable and subsequently, died on 05.05.2012. His wife Samudari Devi also died on 04.11.2018. His only son Dudhnath Singh, as per the petitioner's case, died in the year 2007 leaving behind the instant petitioner (his wife) as the sole surviving legal heir. It is the petitioner's case that her mother-in-law made various representations for sanction of family pension but, the same did not evince any response. She, ultimately, passed away without availing any benefit of family pension. After her death, the instant petitioner has been pursuing the matter for being paid the family pension due to her mother-in-law (since deceased).

It is the case of the Union of India that the petitioner's father-in-law had proceeded on voluntary retirement w.e.f. 01.11.1990. After issuance of directions and clarifications from the Government regarding grant of dual pension to NOKs of Ex -Servicemen of Armed Forces, proposal for grant of the same to wife of deceased Mathura Singh was sent to the PAO, CRPF, New Delhi, on 15.01.2016. It is submitted that the said communication and subsequent similar communications were



always returned with some observations.

After the death of Samudari Devi, the instant petitioner claiming to be the daughter –in-law of the deceased and late Samundari Devi, staked claim for the same, which was replied by letter dated 31.08.2019 to the instant petitioner. Copy of the letter dated 31.08.2019 is Annexure-E to the counter affidavit filed by the Union of India. The letter dated 31.08.2019 required furnishing of certain documents/forms, including a legal heir certificate. It is the specific case of the Respondent-Union of India that the petitioner has been requested to provide legal heirship certificate along with other relevant documents for processing dual family pension proposal of late Constable (GD) Mathura Singh. The petitioner would, therefore, be required to comply with the requirements, as per the communication dated 31.08.2019. The Respondent no.2 shall communicate the specific requirements to the petitioner within a period of three (03) weeks from today. Upon receipt of the communication, the petitioner would be obliged to comply with the requirements so as to avail the benefits of dual pension. Upon submission of the requisite documents, the Respondent No.2 would be under a legal obligation to ensure processing of the claim and payments found due within a period of four (04) weeks from the date on



which the requisites are furnished by the petitioner.

The writ petition stands disposed off.

(Madhuresh Prasad, J)

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