

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22858 of 2019

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Suryawanti Devi, aged about 44 years (Female), wife of late Jay Kumar Singh, resident of Subhas Nagar, Dehri, District- Rohtas, Bihar- 845401.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Inspected General of Police, Muzaffarpur Zone, Muzaffarpur.
6. The Superintendent of Police, West Champaran at Bettiah.
7. The Treasury Officer, Sasaram.
8. The Accountant General, A & E Bihar, Birchand Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Roona, Advocate
For the State	:	Mr. Ravi Verma, AC to GP 4
For Accountant General	:	Mr. Shiv Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 06-01-2020

Heard learned counsel for the petitioner; learned AC
to GP 4 for the State and learned counsel for the Accountant
General.

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

*“(i) For modification of sanction order dated
22.07.2019 as contained in Annexure-6
issued by Respondent Superintendent of
Police, West Champaran, Bettiah, whereby
instead of extra ordinary pension, General
Family Pension has been sanctioned and*



Accountant General Bihar has accordingly been intimated.

- (ii) For direction upon the Respondents to grant extra ordinary pension which is available to a widow whose husband is killed while in service in a encounter.*
- (iii) For a direction upon the Respondent to consider the case of the Petitioner in a manner case of similarly situated person namely Sobha Devi has been considered by the Respondent during pendency of C.W.J.C. No.858 of 2013 filed by her in the light of Resolution of the Finance Department dated 12.11.20105 as contained in Annexure-3.*
- (iv) Any other order/orders for which the petitioner is found entitled to in the facts and circumstances of the present case.”*

3. The husband of the petitioner died during a raid to apprehend a criminal on 28.02.1993. Thereafter, the petitioner was given special pension under the 1984 scheme. However, when her claim to such payment under the 2005 scheme was not addressed, the petitioner moved the Court in CWJC No.4974 of 2017. By order dated 31.07.2019, the writ petition was disposed off with a direction to the authorities to ensure re-fixation of the family pension of the petitioner with regard to special/extraordinary pension. In that order, the Court had clearly indicated that the same would be as permitted by the Government resolution. The fact is that at the relevant point of time in view of the policy of the State Government of the year 1984, till seven years from the death, the special/ extraordinary



pension was admissible and after that the beneficiary was entitled to only family pension. The same has been given to the petitioner in the present case.

4. Learned counsel for the petitioner submitted that fresh policy of the State Government in the matter came on 24.11.2005 by which, till the date of superannuation of the deceased employee, such special/extraordinary pension was payable, which has been denied to the petitioner. Learned counsel drew the attention of the Court to Annexure-3 in which wife of Raj Kishore Sah, who was also killed on duty on 11.09.2005 has been granted the benefit of the new policy. It was submitted that the petitioner's case be also considered in the same light.

5. Learned counsel for the State submitted that the policy was notified with effect from 12.11.2005, but prior to that under the chairmanship of the Chief Secretary, Bihar, in the meeting held on 15.06.2005, the policemen, who had been killed, had also been recommended for being extended such benefit and in that light, the Court in the case of the widow of Raj Kishore Sah had directed the authorities to consider his matter and since some persons, who had died prior to 12.11.2005 have been granted the benefit in the meeting held



under the chairmanship of Chief Secretary on 15.06.2005, the widow of Raj Kishore Sah was granted the benefit as he had died after 15.06.2015 but prior to 12.11.2005. It was, thus, submitted that there is no similarity between the case of the petitioner and that of the widow of Raj Kishore Sah.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any occasion to interfere in the matter.

7. Policy of the State Government, especially with regard to benefits given to its employees primarily is a service matter governed by the relevant rule/resolution/scheme which is in operation from time to time. In the present case, at the relevant time, it was the 1984 policy and all benefits having been granted to the petitioner in terms thereof, the policy which came in November, 2005, cannot be made effective for an incident which happened in the year 1993. As far as case of Raj Kishore Sah is concerned, as has rightly been pointed out by learned counsel for the State, because he had died after persons who were recommended on 15.06.2005 were given the benefit of the policy dated 12.11.2005, he having been killed on 11.09.2005, was rightly given the said benefit. Thus, there is no similarity with regard to the case of Raj Kishore Sah with that of



the husband of the present petitioner.

8. In the aforesaid background, the application stands disposed off.

(Ahsanuddin Amanullah, J)

J. Alam/-

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