

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19199 of 2018

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Smt. Nirmala Devi, Wife of late Ras Bihari Singh, Resident of Village-
Mandichak, P.S. Ishak Chak, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Director, Secondary Education Department, Govt. of Bihar.
3. The District Education Officer, Munger.
4. The District Programme Officer (Estb.), Munger.
5. The Head Master, Zila School, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Respondent/s : Smt. Shilpa Singh, GA12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 08-06-2020 Heard learned counsel for the petitioner and the

respondents.

The widow of the Ex-employee late Ras Bihari Singh
is before this Court. The husband of the petitioner was Assistant
Teacher. He died in harness on 20.09.1984 as Assistant teacher
in Zila School Munger.

The respondent State has taken a decision on
09.10.2006 to grant promotion to Grade-II in Bihar Education
Service w.e.f. 01.01.1977. Since the husband of the petitioner
died after 01.01.1977, but before 09.10.2006, the benefit of
promotion in Grade-II should have been extended to the
husband of petitioner on 01.01.1977, but the same was denied,



as he died before the notification dated 09.10.2006.

Learned counsel for the petitioner submits that in terms of the decision of the State Government contained in notification dated 09.10.2006, the respondents were under obligation to revise the pension / family pension of the petitioner extending the benefit of promotion in Grade-II in Bihar Education Service to late husband of the petitioner w.e.f. 01.01.1977 and accordingly the pension is required to be revised on the basis of pay scale of Rs.6500-200-10500.

This writ application has been filed after service of two advance copies on 22.09.2018 in the office of Advocate General, but till date no counter affidavit has been filed.

The issue with regard to grant of promotion on several occasions were considered and decided by this Court as well as by the Apex Court and the benefit was extended to the teachers like the late husband of the petitioner w.e.f. 01.01.1977 and, as such, the Court finds substance in the submissions the petitioner that the petitioner's husband was entitled to the benefit of promotion w.e.f. 01.01.1977 and accordingly for fixation of pay scale and subsequently revision of death cum-retiral benefits extending the benefit of promotion to Grade-II in Bihar Education Service.



Accordingly, the writ application is disposed of with a direction to the respondents to take appropriate decision, if not already taken with regard to the claim of the petitioner, within a maximum period of 60 days from the date of receipt/production of a copy of this order and ensure payment of revised pension/family pension on the basis of promotion in Grade-II Scale to late husband of the petitioner. Entire calculation and payment of dues shall be worked out by the respondents within the time indicated above. Failure on the part of the respondents will carry interest at the rate of 9% from the date of filing of writ application i.e. 22.09.2018 till the date of actual payment.

(Anil Kumar Upadhyay, J)

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