

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S).No. 115 of 2017

Mini Mahato

... ..**Petitioner**

-Versus-

1. The Union of India, through the Senior Divisional Finance Manager, South Eastern Railway, Purulia (West Bengal).
2. The Branch Manager (Link/ Nodal Branch), General Manage (PAF), Bihar Circle, Patna.
3. The Senior Divisional Accounts Officer, South Eastern Railway, Purulia, West Bengal.
4. The Senior Divisional Accounts Officer, South Eastern Railway, Ranchi Division, Hatia, Ranchi.
5. The Director of Accounts (Postal), Office of Chief Postmaster General, Bihar Circle, Patna.
6. The Postmaster, Head Post Office, Ranchi.
7. The Postmaster, Chota Muri, Ranchi.

... ..**Respondents**

CORAM: THE HON'BLE MR. JUSTICE DR. S.N.PATHAK

For the Petitioner : Mr. Nehru Mahto, Advocate

For the Respondents: Mr. Gautam Rakesh, Advocate
Mr. Shiv Kumar Sharma, CGC

09/ 20.01.2020 Heard the parties.

2. Petitioner has approached this Court with a prayer for direction upon the respondents for payment of family pension to the widow with 10% penal interest on the arrears of pension.
3. The husband of the petitioner superannuated on 31.08.1988 from the post of Mate, South Eastern Railway, Adra Division and subsequently died on 04.09.2001. After the death of her husband, the petitioner made an application before the respondent-Railway for payment of family pension as husband of the petitioner Behari Mahto died on 04.09.2001. The family pension was sanctioned in the year 2014 itself and PPO was sent to the post-master of Chota Muri, where the petitioner is residing. The dispute arose regarding the name of the petitioner i.e. Mini Mahato and Kulo Devi. An affidavit has been filed by the petitioner that Mini Mahato and Kulo Devi are one and same person. In spite of that, respondent-Railway raised dispute regarding genuineness of identity of the petitioner.
4. Though the family pension was sanctioned as back as in the year 2014 itself, the same has been withheld on frivolous grounds. The objection raised by the Postmaster is not tenable in the eyes of law. The Postmaster is not an

authority to withhold the pension as the same has already been sanctioned by the competent-authorities i.e. respondent-Railway.

5. Under such circumstances, the Deputy Commissioner of the concerned district i.e. Ranchi district is directed to verify the dispute regarding the identification of Mini Mahato and Kulo Devi. The petitioner is directed to appear before the Deputy Commissioner, Ranchi, who in turn shall come with a final report regarding authenticity of the names of petitioner, within a period of two weeks and if it is found that Mini Mahato and Kulo Devi are one and same person, the family pension shall be paid to her within a period of two weeks thereafter. If it is found that delay has been caused on the part of the Postmaster, Chota Muri, the concerned Postmaster shall be slapped with a cost of Rs.2500/- to be paid to the petitioner, within the aforesaid period. Petitioner is also entitled for 10% penal interest for delayed.
6. With the aforesaid observations and directions, the writ petition stands disposed of.

(Dr. S.N. Pathak, J.)

kunal/-