

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20784 of 2018

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Ratan Kumar Son of Late Sharda Prasad, Resident of Mohalla-Jail Road,
Bhola Chauk, Jamiranki Ganchhi, P.S.-Muzaffarpur Town, District-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Secondary Education, Bihar, Patna.
3. The Accountant General (A & E), Bihar, Patna.
4. The Senior Accounts Officer, Office of Accountant General (A & E), Bihar,
Patna.
5. District Education Officer, Muzaffarpur.
6. Principal, Mahila Shilp Kala Bhawan, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Mishra, Advocate
	:	Mr. Uma Shankar Verma, Advocate
For the State	:	Mr. Madhukar Mishra, AC to SC 16
For the Accountant General		Mrs. Nivedita Nirvikar, Advocate
		Mr. Sudhanshu Shekhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 02-03-2021

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The following reliefs as formulated by the petitioner
have been claimed in the writ petition--

*“(i) To pay the family pension to the
petitioner who is the only son of Late
Chandrakala Devi for the period of 2001
to 2004 till at her alive in the light of
Bihar Finance Rule notification no.28619
dated 03.12.1960, which there is provision*



the mother and other family members are entitled the family pension, of their relations, in the present case the late Chandrakala Devi mother of the petitioner is died in 2004, who had claims for family pension of her daughter Sabita Devi, who died during service so the petitioner being son of Chandrakala Devi is also entitled for the family pension on above circular.

(ii) To hold the order of this Hon'ble High Court passed in C.W.J.C. No. 478 of 2017 by the Lok Adalat dated 10.02.2018 by which the Lok Adalat passed an Award in terms of settlement relates to payment of family pension, dues to Chandrakala Devi mother of the petitioner late Sabita Devi sister of petitioner who died in harness. In view of communication letter of Accountant General to District Education Officer, Muzaffarpur for taking final decision on relevant documents and Government policy/Circular letter dated 04.04.2017. The State Counsel submits that the final decision shall be taken within two months from today on the said decision the benefit which is required to be extended to the petitioner shall be granted shall be next two months.

Inspite of that the respondents fail to compliance the order passed by Lok



Adalat.

(iii) To any other relief/reliefs the petitioner is entitled to.”

3. Learned counsel for the respondents invites reference to the Award of the Lok Adalat in CWJC No. 478 of 2017 (Annexure-5) in which it was observed as follows:-

“As agreed between the parties, learned counsel for the State submitted that a final decision shall be taken within two months from today and depending on the decision taken, any benefit which is required to be extended to the petitioner shall be granted within the next two months.”

4. In this regard, it is pointed out that during pendency of the present writ petition, a final order has been passed in terms of memo no. 828 dated 12.08.2020 (Annexure-A to the counter affidavit) by the District Programme Officer, Muzaffarpur, holding that upon death of Late Savita Devi, the family pension was admissible to her two daughters and not to her mother Smt. Chandrakala Devi. As such, the petitioner, who is the son of Smt. Chandrakala Devi, was not entitled to the family pension.

5. In the above view of the matter and with the consent of the parties, the writ petition is disposed of, granting liberty to



the petitioner to assail the aforesaid order dated 12.08.2020
(Annexure-A to the counter affidavit), if so advised, before any
forum as may be available in accordance with law.

(Vikash Jain, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	03.03.2021
Transmission Date	-

