

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6783 of 2020

- 1.1. Kamla Kumari Daughter of Late Chandra Shekhar Prasad Sinha resident of West Ram Krishna Nagar, Near Bhagat Singh Chowk, New Jaganpura, P.S.- Ram Krishna Nagar, Patna
- 1.2. Arti Meen Shekhar Daughter of Late Chandra Shekhar Prasad Sinha resident of Sikariaya, District- Patna- 801110

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Building Construction, Government of Bihar, Patna.
2. The Accountant General (A and E) Officer, Bihar, Patna.
3. The District Magistrate, Patna.
4. The District Treasury Officer, Sachiwalay, Treasury Nirman Bhawan, Patna.
5. The General Manager, J.C. Road, Branch State Bank of India, Patna.
6. The Branch Manager, J.C. Road, Branch State Bank of India, Patna.
7. The Branch Manager (Pension Department), J.C. Road, Branch State Bank of India, Patna.
8. The General Manager (Network- 1), Regional Office, West of Gandhi Maidan, Main Branch, State Bank of India, Patna- 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shakil Ahmad Khan, Advocate
For the Respondent/s	:	Mr. Narendra Kumar Singh, AC to GP-22
For the State Bank of India	:	Mr. Rakesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 21-09-2021 Heard Mr. Shakil Ahmad Khan, learned counsel for the petitioner, Mr. Narendra Kumar Singh, learned AC to GP-22 for the State and Mr. Rakesh Kumar Singh, learned counsel appearing for the State Bank of India.

2. This writ application was initially filed by the petitioner Meena Sinha, wife of late Chandra Shekhar Prasad Sinha, who retired from the post of Executive Engineer in the



Building Construction Department in the year 1998 for the payment of family pension. The petitioner (since deceased) was the wife of Government Employee who died on 28.7.2001. However, during pendency of this writ application, the petitioner also died and the legal heirs i.e. her two daughters namely, Kamla Kumari and Arti Meen Shekhar have been substituted as petitioners in place of original petitioner Meena Sinha vide order dated 2.9.2021.

3. The prayer of newly added petitioners is that the arrears of family pension due to their mother be paid by the Respondent-State for the period 28.7.2001 till 19.7.2021 i.e. the date of death of their mother Meena Sinha.

4. I have heard learned counsel for the parties and have perused the counter affidavits filed by the State as well as State Bank of India. The State in its counter affidavit has stated that by Memo No. 454 dated 3.12.2020 a letter has been sent to the Senior Branch Manager, State Bank of India, J.C. Road Branch, Patna, having reference to earlier communication also with a request to grant family pension to the petitioner and inform the same to the Treasury, otherwise, to return the disbursement portion of the holder in original with non-payment certificate so that the payment of the family pension of the



petitioner could be processed through the treasury.

5. Learned counsel for the State Bank of India, referring to paragraph-9 of the counter affidavit submits that a letter dated 8.2.2021 was sent on the address of the petitioners to submit the required documents in the Pension Branch so that the pension may be started immediately, but the said letter was returned undelivered. Learned counsel, however, submits that original writ petitioner Meena Sinha has now died and newly added petitioners who are legal heirs and daughters of Meena Sinha will only be entitled to payment of arrears of pension accrued in favour of the wife of the employee i.e. their mother. Learned counsel next submits that these two newly added petitioners may appear before the Bank along with the sanction order in their favour from the Treasury to enable the Bank to credit the arrears of pension in their account.

6. Learned counsel for the State submits that a fresh order for payment of arrears of family pension shall be issued in favour of the newly added petitioners within four weeks.

7. In view of the submission made by the parties, the Treasury Officer (Respondent No. 4) is directed to issue a fresh advice/sanction order to the Bank for payment of arrears of



family pension to the newly added petitioners within a period of four weeks from today and if such an order is served upon the Bank, the Bank shall release the amount towards the arrears of pension and credit the same in the Bank account of the petitioners within a further period of four weeks.

8. With aforesaid observation and direction as well as undertaking given by the parties, this writ application is, accordingly disposed of.

(Anil Kumar Sinha, J)

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