IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1136 of 2019
In
Civil Writ Jurisdiction Case No.16620 of 2016

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Meena Devi W/o Late Ramjee Prasad Resident of Village- Chak Hussain, P.O. and P.S.- Khusrupur, District- Patna.

... ... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna
2. The Director Primary Education, Bihar, Patna
3. The District Education Officer Patna
4. The District Programme Officer (Establishment) Patna
5. The Headmaster Dayanand Boys Middle School, Khusrupur, Distt.- Patna
6. The Accountant General Bihar, Patna
7. The Treasury Officer Patna
8. Branch Manager State Bank of India, Khusrupur, Patna

... ... Respondent/s

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Appearance :
For the Appellant/s : Ms.Pravina Kumari, Adv
For the Respondent/s : Mr.Ashutosh Ranjan Pandey (AAG15)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 02-03-2021

Heard learned counsel for the parties.

This LPA under Clause 10 of Letters Patent Appeal has been preferred for setting aside the judgment and order dated 17.07.2019 passed by learned Single Judge in CWJC No. 16620 of 2016, dismissing the writ petition.

Briefly stated the facts of the case is that husband of

Appellant (original writ petitioner) was appointed as Assistant Teacher on 02.08.1950 and retired on 30.09.1991 and thereafter was getting pension after authorization by the Office of Accountant General, however, according to employee he was getting less pension than what he was entitled for.

The main grievance of the husband of the Appellant was that in the pension payment order (PPO) issued by the Office of Accountant General does not include the name of his wife (appellant) and even no family pension has been sanctioned in favour of wife of employee.

Counter affidavit has been filed on behalf of Accountant General in which it has been stated that late. employee was beneficiary of retiral benefits under the triple Benefit Scheme and according to this scheme employee is only entitled for three benefits i.e. Employees Provident Fund, Life Insurance and Pension. There is no provision for payment of family pension, as such, wife of the employee is not entitled for family pension and same was not sanctioned by the Accountant General. Office of Accountant General had authorized pension having PPO No. 15155/TBS as per triple Benefit Scheme in favour of late. Employee.

Learned Single Judge has discussed the entitlement of late. employee and from different counter affidavits filed by the State Government, State Bank of India, as well as Accountant General held that late employee was getting the pension as per his entitlement and is not entitled for family pension in terms of Triple Benefit Scheme and dismissed the writ petition.

After hearing the parties and considering the materials available on record, this Court does not find any infirmity or error in the order passed by the learned Single Judge requiring any interference by this Court.

Accordingly, the LPA is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
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