

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23558 of 2019

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Smt. Sanyukta Devi Wife of late Vashudev Mandal @ Vashudev Sinha,
Resident of Village- Khapara, P.S.- Sangrampur, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Education Department, Government of Bihar, Patna.
3. The Regional Deputy Director, Human Resources Department, Divisional Office, Munger.
4. The Secretary, Administration Department, Finance Department, Patna.
5. The Director, Human Resources Department, Education Department, Patna.
6. The Secretary(Establishment), Human Resources Department, Patna.
7. The District Magistrate, Munger.
8. The District Programme Officer, (Establishment), Munger.
9. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan
For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

11 06-04-2021 Heard Mr. Kumar Kamal Nayan, learned counsel for the petitioner, Mr. Alok Kumar, learned counsel for the District Education Officer, Munger, Mr. Madanjeet Kumar, learned counsel for the State and Dr. Anand Kumar, learned counsel for the Accountant General.

2. The District Education Officer, Munger filed a counter affidavit stating the entire facts that after retirement of the husband of the petitioner, the husband of the petitioner submitted his service book in the office of the District Superintendent of Education, Munger on 29.05.1999. Pankaj



Kumar Yadav was custodian of the record. When he was asked upon to show-cause, Pankaj Kumar Yadav disclosed that he retired in the year 2019 and presently he is suffering from paralysis and brain haemorrhage. From the facts stated in the counter affidavit filed on behalf of the District Education Officer, it appears that the husband of the petitioner remained absent from 18.09.1966 to 19.03.1986 i.e. almost about 20 years without any information to the concerned authority. Later on, the District Superintendent of Education, Munger granted extraordinary leave to the husband of the petitioner although the District Superintendent of Education was not vested with the power to grant extraordinary leave to the husband of the petitioner. It is stated that the husband of the petitioner was in collusion with the District Superintendent of Education, Munger and its other officials, who did not transmit the entire records for fixation of pension to the husband of the petitioner. Resultantly, only the provisional pension was granted to the husband of the petitioner. The husband of the petitioner received provisional pension till his death and thereafter on the petition of the petitioner, the provisional family pension was granted to the petitioner. Since the original service book of the husband of the petitioner was missing, the final pension to the husband of the



petitioner and family pension after his death was not sanctioned. Now the photocopy of the service book of the husband of the petitioner is available. The District Education Officer, Munger submits that now there shall be no delay in transmitting the records for finalization of pension of the husband of the petitioner and family pension of the petitioner in accordance with law after taking into consideration that the husband of the petitioner remained absent for about 20 years. It is also submitted that the entire arrears have already been paid and in process of payment, it transpired that some excess amount has also been paid. Learned counsel for the petitioner submits that the petitioner gave her application for fixation of family pension but nobody paid any heed but from perusal of the records, it transpires that the husband of the petitioner remained absent from his service from 18.09.1966 to 19.03.1986 i.e. almost about 20 years without any information to the concerned authority and the husband of the petitioner got extraordinary leave sanctioned by the District Superintendent of Education although the District Superintendent of Education is not at all authorised to grant extraordinary leave to a teacher. It has also come that the husband of the petitioner in collusion with the record keeper, namely, Pankaj Kumar Yadav and the District



Superintendent of Education got his service book misplaced and on account of such, the final pension of the husband of the petitioner and family pension of the petitioner after death of the husband of the petitioner could not be sanctioned. On account of such fault of the husband of the petitioner, his pension was not fixed.

3. Considering the facts, I find that it would be better that the District Education Officer, Munger, who has now got the photocopy of the service book of the husband of the petitioner, shall forward all the documents to the competent authority for sanction of pension and family pension of the petitioner in accordance with law after taking into consideration that the husband of the petitioner remained absent for about 20 years from his service so that the pension and family pension of the petitioner may be sanctioned within four months in accordance with law.

4. With the aforesaid directions, this writ petition is disposed of.

5. The personal appearance of the District Education Officer, Munger is dispensed with.

(Prabhat Kumar Jha, J)

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