

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24977 of 2018

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Ranju Sinha wife of Late Laxman Singh, Presently resident of village Daulachak, P.S. Kashichak, District Nawada, Permanent resident of village Lodiya, P.S Damodarpur, P.S +District Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Human Resources, Government of Bihar, Patna
2. The Secretary, Department of Human Resources Govt. of Bihar, Patna.
3. The Director Department of Human resources Govt. of Bihar, Patna.
4. The District Magistrate, Nawada.
5. The District Education Officer, Nawada.
6. The Headmaster of Govt. High School Dhanpur, District Nawada.
7. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siya Ram Sahi, Advocate
	:	Mr. Rajesh Ranjan Kumar, Advocate
For the Respondent/s	:	Mr.Kameshwar Kumar- Gp17
	:	Mr. S.K. Ranjan, AC to GP 17

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

10 21-06-2022 At the outset, the learned counsel for the petitioner seeks permission to add the Additional Chief Secretary, Department of Education, Government of Bihar, Patna as party respondent no. 7. Permission so sought, is granted

The same be done during the course of the day.

Though the petitioner, who is the widow of the deceased employee, has prayed for grant of Family Pension pursuant to the death of her husband but on account of the



averments made in the counter affidavit filed by the respondents herein and being faced with certain peculiar facts, brought to the notice of this Court by the respondent- State, the learned counsel for the petitioner seeks liberty on behalf of the widow petitioner to approach the State Government for redressal of her grievance, however submits that the facts of the present case be narrated so as to enable the State Government to take appropriate decision.

In nutshell, the case of the petitioner is that her deceased husband had joined the services of the School in question as a teacher on 24.04.1972, whereafter the School in question was recognized on 28.12.1974 and the services of the petitioner was absorbed w.e.f. 03.12.1974, however subsequently, he had left his service after completing service of about 08 years and 07 months. As per the date of birth of the deceased employee, which is stated to be 01.02.1944, the petitioner was to superannuate on 31.12.2004, however he had probably not applied for grant of pension and had ultimately, died on 08.07.2013. It is the case of the learned counsel for the petitioner that even if full pension was not admissible, *pro rata* pension could have been granted, however in any case, the widow petitioner is definitely entitled to grant of Family



Pension.

Having regard to the facts and circumstances of the case, this Court deems it fit and appropriate to direct the respondent- State to consider the aforesaid facts and circumstances of the case and take a decision as per the provisions contained in the Bihar Pension Rules and other laws.

In such view of the matter, the petitioner is granted liberty to approach the Additional Chief Secretary, Department of Education, Government of Bihar, Patna by filing appropriate representation, within a period of four weeks from today and in case, such a representation is filed, the learned Additional Chief Secretary shall consider the same and pass a reasoned and a speaking order in accordance with law, within a period of six weeks thereafter and in case, it is found that the petitioner is entitled to any kind of pension/ family pension and arrears thereof, the same shall be paid forthwith.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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