

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7740 of 2021

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(Mostt.) Munara Devi wife of late Rajdeo Singh resident of village Bahadurpur P.O. Kawalpura Via Mashrak District Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and land Reforms, Govt. of Bihar, Patna.
2. The Special Land Acquisition Officer, Koshi Yojna, Purnea in Special Land Acquisition Officer Koshi Yojana, Purnea.
3. The Treasury Officer, Saran at Chapra.
4. The Accountant General (A and E), Birchand Patel Path, Patna.
5. The Branch Manager, Central bank of India, Mashrak BRanch, Mashrak (Saran).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Harsh Anuj, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Sinha, AC to SC-19
For the A.G.	:	Mr. Arun Kumar Arun, Advocate.
For the Bank	:	Mr. Prabhakar Jha, Adovate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 13-12-2022

Re. I.A. No. 1 of 2022

Heard Mr. Harsh Anuj, learned counsel for the petitioner; Mr. Arun Kumar Arun, learned counsel for the Accountant General, Bihar; Mr. Prabhakar Jha, learned counsel for the Bank and Mr. Manoj Kumar Sinha, learned AC to SC-19 for the State.

At the outset, learned counsel for the petitioner submits that an Interlocutory Application no. 01 of 2022 has been filed for substituting the name of the Neelam Devi, who happens to be daughter of the sole petitioner, namely, late



Munara Devi, who died on 11.08.2022. The details of which has been fully mentioned in paragraph no. 3 of the I.A. No. 01 of 2022.

In view of the prayer made by the learned counsel for the petitioner, the I.A. No. 01 of 2022 stands allowed.

Office is directed to make necessary correction in the cause title of the parties.

The present writ application has been filed seeking a direction upon the respondents authority including the Bank Officials to revise and fix the family pension of the petitioner on attaining her age of 80 years and 85 years after adding 20% and 30% of the basic family pension in view of the Government Resolution dated 23.09.2009 issued vide memo no. 820 and further to ensure the entire arrears of family pension arising out of the aforesaid revision.

It is submitted that the husband of the original petitioner, namely, Rajdeo Singh was working as surveyor in the Office of Special Land Acquisition Officer, Koshi Yojana, Purnea and after discharging unblemished service, he superannuated on 31.12.1997. The husband of the original petitioner died on 01.04.2009 and after his death, family pension has been started in favour of the original petitioner. It is next



submitted that the date of birth of the original petitioner is 01.01.1935 as would be evident from the Aadhar Card and Voter I.D. Card issued on 09.06.1995 itself. It is next submitted that despite the original petitioner being entitled to receive the family pension in addition to 20% and 30% of the basic family pension since 01.01.2015 and 01.01.2020, in view of the resolution dated 23.09.2009, the benefit has not been allowed, which compelled the original petitioner to move before this Court.

A counter affidavit has been filed on behalf of the respondent no. 3 (Treasury Officer, Saran at Chapra). It is the stand of the respondent no. 3 that the State Government has notified a resolution vide memo no. 820 dated 23.09.2009 wherein provision has been made that pensioner/ family pensioner, who has attained the age of 80 years will get 20% additional pension/ family pension and those who have attained 85 years will get 30% additional pension in their basic revised pension/family pension. He further submits that the original petitioner has been getting her family pension from the Central Bank of India, Mashrak Branch, Saran, Chapra. Therefore, Senior Treasure Officer, Saran, Chapra vide letter no. 10 dated 06.01.2022 requested the Branch Manager, Central Bank of



India to make addition of 20% and 30% additional family pension to the basic revised family pension of the petitioner and ensure payment expeditiously.

At this juncture, learned counsel for the petitioner submits that despite specific direction given by the Senior Treasury Officer to the Bank, the arrears of pension/revised family pension has not been paid to the original petitioner and now without getting the benefit of the same, she unfortunately died on 11.08.2022, during the pendency of the present writ application.

Mr. Prabhakar Jha, learned counsel for the Central Bank submits that if this is the position than the original petitioner or his legal heir would certainly be entitled to get the benefits, so claimed, in view of the Government resolution as contained in memo no. 820 dated 23.09.2009.

In view of the submissions made on behalf of the learned counsels for the parties and the materials available on record, especially the letter dated 06.01.2022 of the Senior Treasury Officer, Saran, Chapra as contained in annexure B to the counter affidavit, this court directs the respondent no. 5 to consider the claim of the original petitioner and her legal heir and ensure the admissible arrears of pension in accordance with



law preferably within a period of eight weeks from the date of the receipt/production of a copy of this order.

Accordingly, the present writ application stands disposed of with the aforesaid direction and observation.

(Harish Kumar, J)

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