

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.474 of 2021

Most. Devpatiya Devi Resident of mohalla East Lohanipur, P.S. Kadamkuan,
Dist.-Patna.

... .. Petitioner/s

Versus

1. The Patna Municipal Corporation, Morya Lok, Budha Marg, Patna, thorough Municipal Commissioner.
2. That the Municipal Commissioner Patna, Municipal Corporation, Morya Lok Budha Marg Patna.
3. The Executive Officer Kankarbagh Anchal, Patna Municipal Corporation.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Respondent/s : Mr. Ranjeet Kumar Pandey, PMC

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 03-11-2022

Heard Mr. Vijay Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Ranjeet Kumar Pandey, learned counsel for the Patna Municipal Corporation.

2. The present application has been filed seeking a direction upon the respondent authorities to pay the arrears of admissible family pension to the petitioner, who happens to be wife of the deceased employee, namely, Late Suresh Manjhi, who died on 10.02.2010 in harness while working as Safai Mazdoor.

3. Learned counsel for the petitioner submits that from the materials available on record, it is evident that the sanctioned order with regard to the arrears of admissible family pension to the petitioner has already been issued in the year 2021, however, till



date the actual payment has not been made, though the petitioner being hapless widow, running from pillar to post.

4. On the other hand, learned counsel for the Patna Municipal Corporation drawn the attention of this Court towards paragraph No. 7 of the counter affidavit and submits that on 13.09.2018 in the meeting of Empowered Standing Committee of Patna Municipal Corporation, a decision was taken to pay admissible family pension to whole life with certain conditions and it is effected from 01.10.2018 and in this regard an order was issued vide letter no. 10002 dated 29.10.2018 under the signature of Municipal Commissioner, Patna. It is further submitted that the family pension of the petitioner has been fixed and she is getting admissible family pension regularly, however, so far the arrears of the family pension is concerned, the same could not be paid on account of paucity of fund.

5. Be that as it may from the averments and the materials available on record, it is evident that the sanctioned order has already been issued on 27.05.2021 as contained in Annexure -B Series to the counter affidavit, however, even after more than a year, actual payment has not been made to the petitioner.

6. Considering the aforesaid facts, the respondent Municipal Commissioner, Patna is directed to ensure payment of



arrears of admissible family pension to the petitioner, as early as possible, preferably within a period of eight weeks from the date of receipt/production of the copy of this order, failing which this Court would constrain to pass appropriate order of cost as well as statutory interest over the due amount, which would be realised from the erring officials.

7. In the light of the aforesaid observation and direction, the present writ application is disposed of.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04 .11.2022
Transmission Date	NA

