

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.724 of 2021

Most. Rita Devi W/O- Late Jagdish Mishra Resident of Mohalla- Kurmi Tola
Devi Asthan, P.S.- Alamganj, Dist- Patna.

... .. Petitioner/s

Versus

1. The Patna Municipal Corporation through its Municipal Commissioner Patna Municipal Corporation Budh Marg Mauryalok Patna.
2. The Executive of New Capital Circle Patna Municipal Corporation, Community hall Harding Road, Patna.
3. The Finance Accounts Controller Patna Municipal Corporation Budh Marg Maurya Lok Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 09-11-2022 Heard Mr. Vijay Kumar Singh, learned counsel

appearing on behalf of the petitioner as well as Mr. Sanjay
Prakash, learned counsel for Patna Municipal Corporation.

The present application has been filed seeking
direction to the Municipal Corporation, Patna to pay to the
petitioner her family pension for the period w.e.f
16.06.1995 to 15.06.2020, who happens to be wife of the
deceased employee, late Jagdish Mishra.

Learned counsel for the petitioner submits that the
husband of the petitioner was working as a Gardner in New
Capital Circle, Patna Municipal Corporation and after



serving so many years, he died on 15.06.1995 during his service period. He further submitted that though the petitioner erstwhile employee died on 15.06.1995 but till date so far the arrears of family pension w.e.f 16.06.1995 to 15.06.2020 is concerned, the same has not been paid to her.

A counter affidavit has been filed on behalf of the respondent nos. 1 to 3. Mr Sanjay Prakash referring to the avernments made in the counter affidavit submits that so far the amount with respect to the family pension for the period in question is concerned, the same has been duly calculated and sanctioned vide letter no. 4281 dated 11.12.2021, however on account of paucity of fund the actual payment could not be made.

In view of the submissions, made on behalf of the parties, the present application stands disposed of with the direction to the Municipal Commissioner, Municipal Corporation, Patna to ensure the payment of arrears of family pension to the petitioner for the period from 16.06.1995 to 15.06.2002 as early as possible, preferably, within a period of eight weeks from the date of receipt/production of a copy of this order, failing which the



petitioner shall be entitled to statutory interest over the delayed payment which would be realized from the erring officials.

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

(Harish Kumar, J)

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