

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4046 of 2018

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Basant Kumar Singh Son of Late Uday Narayan Singh, Resident of Budhkara,
P.O.- Tehwara, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Finance Department, Government of Bihar.
3. The District Magistrate, Darbhanga.
4. The Superintendent of Police, Darbhanga.
5. The Senior Treasury Officer, Darbhanga.
6. The Branch Manager, Central Bank of India, Singhwara, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar Chauhan, Advocate Mr. Krishna Kant Singh, Adv
For the State	:	Smt. Anuradha Singh- SC-21
For the Respondent/s		Mr. Ajay Kumar Sinha, Advocate Mr. Dilkash Khan, Adv

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

11 10-11-2022 Heard Mr. Krishna Kant Singh, learned counsel

 appearing on behalf of the petitioner as well as Mr. Ajay

 Kumar Sinha learned senior counsel for Central Bank of

 India.

 The present application has been filed seeking

 direction upon the respondent authorities to pay family

 pension to the petitioner, which was due to his mother at

 enhanced rate w.e.f from 2010 to 02.11.2017, i.e the date of

 death of his mother. He further submits that as the mother of



the petitioner had completed more than 80 years of her age, she had been also entitled for enhanced rate of 20% of pension in between 80 to 85 years and at enhanced rate of 30% of pension between 85 to 90 years. In this regard, he submitted that on an application filed by the mother of the petitioner for correction of her date of birth in PPO, she was examined by the medical board and her age had been assessed between 80 to 85 years as contained in Annexrure-6 to the writ application. He further submits that though the mother of the petitioner represented on several occasion before the authority concern for redressal of her grievance with regard to enhance pension by taking into consideration the age assessed by the Medical board but no order has been passed.

On the other hand, learned counsel for the State by referring to the avernments made in the counter affidavit submits that since the year of birth of the petitioner's mother has been mentioned in the PPO as 1947 and on the date of her demise she was found not more than 80 years, no benefit could be granted to her. In support of his submission, a letter contained in memo no. 549 date



29.04.2021, issued by the Finance Department, Government of Bihar has been brought on record by way of Annexure-C to the counter affidavit.

Mr. Ajay Kumar Sinha, learned counsel for the Bank submits that since the assessment of age and the issue pertaining to in this regard is in the realm of department concern, the respondent Bank would be abide by any decision passed by the State.

At this juncture, learned counsel for the petitioner submits that if the petitioner, who happens to be legal heir of family pensioner/ deceased employee, be allowed to file representation before the concerned authorities, he would be satisfied.

Considering the submissions made on behalf of the parties, the writ application is disposed of with the liberty to the petitioner to file a representation along with necessary papers/ letters in support of his claim within a period of four weeks from today. If such representation is filed before the respondent, Superintendent of Police, Darbhanga, he shall consider the same and pass reasoned and speaking order preferably, within a period of further six



weeks thereafter, It is needless to say, if there is any amount found due with regard to arrears of difference of pension for any period, the same would be paid to the petitioner.

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

(Harish Kumar, J)

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