

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4723 of 2019

In
Civil Writ Jurisdiction Case No.5553 of 2014

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Sansar Devi W/o Late Suresh Prasad Singh Resident Of Village-Agbil
Chandey, P.S.- Korma, District- Sheikhpura

... .. Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Sheikhpura
3. The Treasury Officer Sheikhpura, District- Sheikhpura
4. The State Bank of India through its Branch Manager, S.B.I. (Leading Branch), Shekhpura

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.
For the Opposite Party/s : Mr. Rohitab Das AC to AAG-13)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 10-08-2022 Heard Mr. Pankaj Kumar, learned counsel for the

petitioner and Mr. Rohitab Das, learned AC to AAG-13 for the

State.

This application has been filed on behalf of the
petitioner for restoration of C.W.J.C. No. 5553 of 2014 which
was dismissed for want of prosecution vide order ated
19.11.2016.

In view of the submissions made at the Bar and the
pleadings made in the application, the prayer is allowed.

C.W.J.C. No. 5553 of 2014 is directed to be restored
to its original file.



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The husband of the petitioner was appointed in the year 1966 as an Assistant Teacher. After attaining the age of superannuation, he retired from service on 28.02.2002. At the time of retirement, he was discharging his duties as a Head Master in the High School Kumar Saivi. After death of her husband, the petitioner is getting family pension from February, 2005 having P.P.O. No. 369128. She is receiving revised pension on the basis of recommendation of 6th Pay Revision Committee from 01.05.2010.

The petitioner has sought relief in the present application for directing the respondent-authorities to pay the arrears of pension which is due from April-2007 to April-2010 and further for issuance of direction to the respondents to take final decision over the representation filed by the petitioner.

The contention of the petitioner is that after



recommendation of 6th Pay Revision Committee, the family pension of the petitioner was revised w.e.f. 1st April, 2007, but the same could not be paid till 30th April, 2010. As such, the petitioner is entitled for arrears of difference of pension caused by the revision of her family pension.

A counter affidavit has been filed on behalf of the Chief Manager, State Bank of India, in the present matter wherein it is stated that from perusal of the record of the Bank, it has been found that she has been getting the correct and admissible amount of pension. The Bank also informed the petitioner that if she is in possession of any payable arrears, she should send it to the Bank so that it may be verified by the Bank and forwarded to CPPC, Patna for further payment.

Learned counsel appearing for the State submitted that the instant application is not maintainable as there is no proper pleading in the writ application. He contended that the petitioner has not made any averment as to what amount of family pension was being paid to her prior to April, 2007 and what is being paid to her after the implementation of 6th Pay Revision Committee.

At this stage, learned counsel for the petitioner submitted that he may be permitted to file a comprehensive



representation before the District Education Officer, Sheikhpura who may look into it and pass an appropriate order within a reasonable period of time.

Learned counsel for the State does not oppose to the above request of the petitioner.

With consent of the parties, the writ petition is disposed of granting liberty to the petitioner to file a representation before the District Education Officer, Sheikhpura within four weeks from today.

In case, such a representation is filed, District Education Officer, Sheikhpura shall look into the matter and after verifying the records, pass a reasoned order on the representation of the petitioner within a period of three months from the date of filing of the representation.

(Ashwani Kumar Singh, J)

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