

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1271 of 2022

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Jagdish Ram Son of Late Harihar Ram, Resident of Union Tola, Ward No. 4,
Jay Nagar, P.O. and P.S. Jay Nagar, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Urban Development and Housing
Department Government of Bihar, New Secretariat, Patna.
2. The Executive Officer, Nagar Panchayat Jay Nagar, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajiv Ranjan Kr. Pandey, Adv.
	:	Mr. Ashutosh Kumar Jha, Adv.
For the State	:	Mr. Kinkar Kumar (SC 9).
For Nagar Panchayat	:	Mr. Zaki Haider, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 09-01-2023 Mr. Rajiv Ranjan Kr. Pandey alongwith Mr. Ashutosh

Kumar Jha, learned counsel for the petitioner, Mr. Kinkar

Kumar, learned SC-9 for the State and Mr. Zaki Haider, learned

counsel for the Nagar Panchayat are present.

The present writ application has been filed directing

the respondents to fixation of the family pension of the deceased

wife of the petitioner as per VIth Pay Commission Report and

other associated benefits in lieu of death of his wife.

Learned counsel for the petitioner submits that wife of

petitioner is in service who retired from Nagar Panchayat, Jay

Nagar, Madhubani w.e.f. 30.04.2016.

Learned counsel for the Municipality submits that

family pension of employees of Municipality is guided by Bihar

Municipal Officer & Servants Pension Rules, 1987. According

to him Rule 37 describes about admissibility of pension and

according to him the present petitioner is not entitled for getting any family pension since he is also in service and, therefore, the claim of petitioner cannot be granted.

Upon going through the provision of Rule 37 of Bihar Municipal Officer & Servants Pension Rules, 1987, it transpires that according to Rule 37 (C) minor son and unmarried minor daughter are entitle for family pension and other pension till her attainment of majority at the age of 21 years or her marriage, whichever is earlier.

In the light of above said discussion, the writ application is dismissed, but liberty is hereby granted that if the unmarried daughter of deceased employee submits representation for getting family pension and other pension, then her case shall be considered by the authority within 8 weeks from the date of filing of representation. The authority will decide the matter in accordance with law.

With this direction, the writ application is hereby dismissed.

(Dr. Anshuman, J.)

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