

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2131 of 2020

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Smt. Sushama Kumari, Wife of Late Umesh Prasad @ Umesh Kumar- Ex-orderly, working in Office of Director of the Department Economics and Statics Directorate (Planning and Development Department), Government of Bihar, Old Secretariat, Patna, Permanent Resident of village- Horil Bigha, P.S.- Daniyawa, District- Patna and present residing at Mohalla- Chiraiyan Tand, Postal Park, Nala Par, Budh Nagar, Road No. 1, P.S. Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Govt. of Bihar, Department of Economics and Statics Directorate (Planning and Development Department), Bihar, Patna.
3. The Director of Economics and Statics Directorate (Planning and Development Department), Govt. of Bihar, Patna.
4. The Joint Director of Economic and Statics Directorate (Planning and Development Department), Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar Nirala
For the Respondent/s : Mr. Vikash Kumar (SC-11)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 21-02-2023 Heard learned counsel for the parties concerned.

The petitioner is a widow of deceased employee who died on 05.10.2018. The husband of the petitioner was appointed on the post of Orderly Peon on 24.04.1999 in the scale of 2550-3200. According to the petitioner at the time of retirement of the husband of the petitioner he was getting Rs. 32,000/- per month as salary in the aforesaid scale. After the death of the husband of the petitioner, the petitioner started getting family pension on the reduced scale and not on the basis of last pay drawn by the husband of the petitioner.



Learned counsel for the petitioner submits that before reducing the scale of the husband of the petitioner no notice was given to the petitioner and the family pension has been wrongly been fixed on a reduced scale. He further submits that a representation has been filed before the respondent no. 4-Joint Director, Economics and Statics Directorate (Planning and Development Department, Government of Bihar, which is annexed at Annexure-5, but the same has not been disposed by the concerned respondent.

Learned counsel for the State submits that the respondent no. 4 may be directed to dispose the representation in accordance with law.

Taking into consideration the nature of dispute and the fact that the representation filed by the petitioner is still pending before the respondent no. 4, I direct the respondent no. 4 to dispose the representation of the petitioner by a speaking and reasoned order within a period of two months from the date of receipt/production of copy of this order.

It is made clear that if any amount is found payable to the petitioner the same shall be paid to her by the respondents within a period of one month from the date of disposal of the representation.



With the aforesaid observation and direction, this writ application is disposed.

(Anil Kumar Sinha, J)

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