IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4226 of 2019

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Mira Kumari w/o Late Chandeshwar Pd. Yadav Resident of Village-Beshmakh,P.S. Ishlampur in the Dist. of Nalanda

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Revenue, Govt.of Bihar, Patna
3. The Magistrate-cum-Collector, Nalanda at Biharsharif
4. The Sub-Divisional Officer, Biharsharif in the Dist. of Nalanda
5. The Block Development Officer, Noorsarai in the district of Nalanda
6. The Circle Officer, Noorsarai in the district of Nalanda
7. The Accountant General, Bihar, Patna

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Adv.
For the State	:	Mr. Subodk Kumar Mishra, AC to GP 15
For the Accountant General	:	Mr. Lalan Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 24-11-2023

Heard Mr. Sunil Kumar, learned counsel appearing on behalf of the petitioner and Mr. Subodh Kumar Mishra, learned counsel for the State. Mr. Lalan Kumar, learned junior counsel to Mrs. Nivedita Nirvikar, learned senior counsel, appearing on behalf of the Accountant General, Bihar.

2. The petitioner, who happens to be hapless widow of late Late Chandeshwar Prasad Yadav, has filed the present writ petition seeking a direction upon the respondents to ensure payment of pension/family pension of the petitioner in

pursuance to the order contained in Memo No. 2767 dated 17.09.2018 issued by the respondent no. 3 by which the husband of the petitioner was given the benefit of 1^{st} and 2^{nd} ACP w.e.f 09.08.1999 and also on account of benefit of 3^{rd} ACP w.e.f 01.01.2009, and further to ensure payment of difference amount of arrears of pension as well as other consequential benefits.

3. A counter affidavit has been filed on behalf of the respondents no. 3 to 6. It is submitted that proper calculation of arrears of salary on account of 1^{st} ACP, 2^{nd} ACP and 3^{rd} MACP as well as Leave Encashment has already been done, the petitioner is found payable for an amount of Rs. 13,72,760/-. However, subsequently some mistake in calculation has been found and accordingly necessary correction has been made and the payable amount to the tune of Rs. 13,01,845/-, is paid to the petitioner.

4. At this stage, learned counsel for the petitioner submits that, though afore-noted amount has been credited in the account of the petitioner, but till date pension has not been revised, as also its arrears has not been paid.

5. Considering the submissions made on behalf of the parties and taking note of the fact that the matter is pending since 2019, the present writ petition stands disposed of with a

direction to the State respondents, especially the respondent nos. 3 and 6 to ensure revision of pension as well as payment of arrears of due pension and other benefits forthwith.

6. It is needless to observe that the respondent authorities are under obligation to immediately send the sanction order to the office of the Accountant General, Bihar, Patna so that necessary action shall be taken for revision of pension and payment of other admissible dues.

7. With the aforesaid observations, the present writ petition stands disposed of.

8. It is made clear that the entire exercise must be completed within a period of six weeks from today, failing which the petitioner shall be entitled for appropriate interest, over all the admissible due amount, which shall be realised from the erring officials.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.11.2023
Transmission Date	