

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9991 of 2020

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Rubi Devi Wife of Late Vijay Kumar Singh Resident of Village- Devara, Post
Office- Pain, Police Station- Sheikhpura, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The Union of India through the Principal Secretary, Department of Home Affairs, Government of India, New Delhi.
2. The Director General, Boarder Security Force, New Delhi.
3. The Commandant, Boarder Security Force, 2nd Battalion, B.S.F. Bishnupur, Manipur.
4. The Deputy Commandant, 2nd Battalion, B.S.F., Simanagar, Nadiya, District- West Champaran.
5. The Commandant (Staff) Block No. 10, C.G.O. Complex, Lodhi Road, New Delhi.
6. The Commandant, Boarder Security Force C.A. Wala, Jalalabad West, District- Fajilka, District- Punjab.
7. The Commandant, 2nd Battalion, Boarder Security Force, Imphal (Manipur).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bipin Kumar, Advocate
For the Respondent/s	:	Mrs. Radhika Raman, CGC
		Mr. Ram Tujabh Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

8 20-06-2023 Heard Mr. Bipin Kumar, learned counsel appearing

on behalf of the petitioner and Mrs. Radhika Raman, learned

CGC for the respondents.

2. Petitioner has filed the present writ petition for
following relief(s):

*“(i) For issuance of writ/writs in the
nature of mandamus commanding the Respondents
to pay all the ex-gratia amount in favour of the
petitioner since her husband Late Constable No.
920028016 posted in Boarder Security Force*



became Martyr when he was discharging his duty on the post of constable in 2nd Battalion, Boarder Security Force, Imphal, Manipur.

(ii) For commanding the Respondents to grant proper family pension to the petitioner since presently the petitioner is getting only Rs. 11,530/- per months as a pension of deceased employee which is not proper in accordance with law.

(iii) For commanding the Respondents to pay all the ex-gratia amount forthwith in favour of petitioner with interest 14 % per annum since the date of dues to the date of respective payment.

(iv) For any other writ/writs, order/orders, direction/directions as this Hon'ble Court may deem fit and proper as the fact and circumstances of this case."

3. During the pendency of the writ petition, counter affidavit has been filed on behalf of respondents. From perusal of the statement made in the counter affidavit, it appears that son of the deceased employee, namely, Mr. Fulena Kumar, has already been appointed on compassionate basis and statement to that effect has been made in paragraph no. 7 of the counter affidavit and with respect to other retiral dues, the same has also been paid to the petitioner as would appear from paragraph no. 16 of the counter affidavit filed on behalf of the respondents. Paragraph no. 16 of the counter affidavit is reproduced hereinafter:

"16. That with regard to the statement made in paragraph no. 6 of the writ petition under reply it is stated that the following emoluments on account of pension and financial benefits on the death of a Govt.



servant have been granted to the NOK of Late Const. Bijay Kumar Singh:-

Family Pension- Rs. 9,000/- + existing DA w.e.f. 01.01.2016 Plus Rs. 1000/- Medical allowance as per 2 Bn BSF revision pension order No. Pen/2 BSF/7th CPC/322/129(01)/2018/3222 dated 10 Feb'2018 sent to PAD BSF New Delhi vide L/No. Pen/2 BSF/7th CPC/322/18/31891 dated 10 Feb'2018 (Annexed as annexure-I)

<i>DCRG</i>	<i>- Rs.61,239/-</i>
<i>Leave Encashment</i>	<i>- Rs.11,057/-</i>
<i>CGEGIS</i>	<i>- Rs.34,200/-</i>
<i>SPBY</i>	<i>- Rs.5,00,000/-</i>
<i>FA</i>	<i>- Rs.24, 000/-</i>
<i>GPF</i>	<i>- Rs.1,17,678/-</i>
<i>DLI</i>	<i>- Rs.60,000/- ”</i>

4. Considering the statement as well as the evidence brought on record and the counter affidavit, it appears that the grievance of the petitioner has been redressed.

5. Accordingly, the present writ petition is consigned.

(Purnendu Singh, J)

Niraj/Nilmani

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