

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6810 of 2023

=====

Rukhshana Khatoon Daughter of Late Taud Khan, W/o Late Naseeb Raja Khan @ Nasib Raja Khan, Resident of Mohalla- Naya tola Pathan Toli, P.O. and P.S.- Phulwari Sharif, District- Patna- 801505.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Commissioner-Cum- Secretary, Department of Finance, Government of Bihar, Patna.
3. The Under Secretary, Department of Finance, Government of Bihar, Patna.
4. The Sub-Registrar, Department of Finance, Government of Bihar, Patna.
5. The Accountant General, Government of Bihar, Bir Chand Patel Path, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Birendra Narayan Sharma, Advocate
For the Respondent/s	:	Smt. Anuradha Singh, SC-21
For the A.G. Bihar	:	Mr. Vivekanand Kumar, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 17-08-2023

Heard Mr. Birendra Narayan Sharma, learned counsel appearing on behalf of the petitioner, Smt. Anuradha Singh, learned SC-21 appearing on behalf of the State and Mr. Vivekanand Kumar, learned counsel for the Accountant General.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner is the biological daughter of the deceased employee namely Late Md. Taud Khan, who had retired from the post of Faras, a Class-IV employee in the year 1999 and died on 24.05.2022. The petitioner was married to Late Naseeb Raja Khan who died on 15.10.2011 and the death certificate of the husband of the petitioner has been brought on record by way of Annexure-3 duly issued by Nagar



Parishad, Phulwarisharif. The petitioner has also brought on record the death certificate of her mother in support of her claim for receiving family pension which is required to be paid to the petitioner in light of Government Circular No. 947 dated 25.10.2018 duly published in Bihar gazette.

3. Learned counsel appearing on behalf of the respondent submits that the claim of the petitioner is not sustainable as the name of the petitioner is not mentioned in the service book of the deceased employee. However, the name of the petitioner exists in the family list certificate dated 25.08.2022 issued by the Circle Officer, Phulwarisharif and in the counter affidavit, it has not been denied that the petitioner is not the biological daughter of the deceased employee.

4. Considering the rival submissions made on behalf of the parties as well as the fact that the petitioner has claimed herself to be the divorced daughter of the deceased employee, who was married to one Nasib Raja Khan who died on 15.10.2011 and petitioner has claimed for benefit of grant of family pension in terms of resolution dated 25.10.2018 in which it has been resolved that the widow daughter of the deceased employee is entitled for benefit of family pension for sustaining her life.

5. Considering the aforesaid fact, the petitioner is



directed to file a detailed representation before the Additional Chief Secretary, Finance Department, Government of Bihar along with all the relevant records as well as circulars on which the petitioner wants to rely upon and the law laid down by the Apex Court in support of her claim for grant of family pension.

6. The representation of the petitioner is directed to be considered and disposed of within a period of six weeks by giving a specific finding with respect to the entitlement of the petitioner for grant of family pension in accordance with law in light of government resolution as well as the the law laid down by this Hon’ble Court as well as the Apex Court. In case the petitioner is found to be entitled for payment of family pension, the sanctioning authority is directed to issue sanction letter to the Accountant General, Bihar for fixation of family pension, etc. to be payable to the petitioner in accordance with law within the aforesaid period.

7. The writ application stands disposed of.

(Purnendu Singh, J)

mantreshwar/-
minu/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	22.08.2023
Transmission Date	N.A.

