

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7594 of 2023

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Smt. Rudra Maya Sinha, W/O Late Ram Kishore Prasad Sinha, Resident of Village- Pokhraise, P.S.- Samastipur Dist.- Samastipur, Bihar. At present C/o. Shri B.N. Sinha, 3, Engineers Enclave, Pitampura, Road No.- 44, Delhi-110034

... .. Petitioner/s

Versus

1. The Registrar General, The Honble High Court of Judicature at Patna-800028.
2. The District and Sessions Judge, Bettiah, Kamalnath Nagar, Bettiah, PIN-845438.
3. The State of Bihar, through the Principal Secretary, General Administrative Department of Govt. of Bihar, Old Secretariat Building, Patna, Bihar-800015.
4. The Principal Accountant (A and E) Bihar, Bir Chand Patel Path- 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bal Bhushan Choudhary, Advocate

For the Patna High Court: Mr. Satyabir Bharti, Advocate
Mr. Abhishek Anand, Advocate
Ms. Sushmita Sharma, Advocate

For the State : Mr. Sheo Shankar Prasad (SC 8)
Mr. Sanjay Kumar, AC to SC 8

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-12-2023

The petitioner claims to be the wife of a retired Judicial Officer and seeks family pension.

2. The petitioner is a 96 year old widow whose husband, she claims, was in the service of the State of Bihar as a Judicial Magistrate. The late husband of the petitioner one Ram Kishore Prasad Sinha served as a Judicial Officer for 13 years



and then after his retirement he is said to have been granted an extension for five years. He is also said to have finally retired in May, 1963; from which we should presume that he actually retired five years before and in 1963 his extension also came to an end. The retired employee died on 20.06.1989 till which time he is said to have been drawing pension. His PPO number is stated but the petitioner claims that the book is lost. It is also stated that at the time of retirement of her husband, there was no provision for grant of family pension as per the Bihar Pension Rules, 1950.

3. We see from the Bihar Pension Rules, 1950 that the provision for family pension was introduced with effect from 1st April, 1964 vide Family Pension Scheme for State Government Employees, 1964, before the death of the pensioner. The claim made now after more than 30 years is grossly delayed. The petitioner herein also does not have any substantiating material to indicate that she was married to the Judicial Officer. Even according to the petitioner, her husband was first married to another lady, from which marriage, they had two children. The first wife is said to have died, but the date of death or the death certificate is not produced. The petitioner's marriage to the deceased employee is also not substantiated.



4. The petitioner only relies on Annexure-3 and 3/A, the passport issued to her and the AADHAR Card which indicates that her spouse is Ram Kishore Prasad Sinha. First of all, it is to be noticed that there is nothing to indicate that Ram Kishore Prasad Sinha is the person who was serving in the judicial service of the State. Further, both these documents are issued long after the death of the Judicial Officer who is said to have retired from the service of the State.

5. For want of any substantiating materials to prove the petitioner’s marriage and even to establish the service rendered by her husband and also the gross delay which has occurred, commends us to reject the writ petition. The writ petition, hence, would stand rejected.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	14.12.2023
Transmission Date	

