

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.702 of 2021**

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Ranjana Devi W/o Vishwambhar Chaudhry Resident of Village- Raghauli,  
Lalpur, P.O.- Raghauli via Kamtaul, P.S.- Bisfi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Home Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Director General-cum- Inspector General of Police, Bihar, Patna.
4. The Inspector General of Police, Patna Range, Patna.
5. Senior Superintendent of Police, Patna.
6. The Superintendent of Police, Gaya.
7. The General Manager, State Bank of India, Patna.
8. The Branch Manager, State Bank of India, Kamtaul Branch, District- Darbhanga.
9. Treasury Officer, Madhubani.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr.Surendra Mishra, Advocate. |
| For the State        | : | Ms. Divya Verma, AC to AAG-3. |
| For S.B.I.           | : | Mr. Satya Vrat, Advocate.     |

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL JUDGMENT**

**Date : 10-10-2023**

Heard Mr. Surendra Mishra, learned counsel  
  
appearing on behalf of the petitioner; Ms. Divya Verma, learned  
  
AC to AAG-3 for the State and Mr. Satya Vrat, learned counsel  
  
for the State Bank of India.

2. Petitioner has filed the present writ petition for  
  
the following reliefs:

- (i) For direction upon the respondents authority concern to grand and pay D.A. (Dearness Allowance) and medical allowance along with extra ordinary (special) family pension of the petitioner which was being paid along with



special family pension of the petitioner but without any rhyme or reason the said D.A. and medical allowance on special family pension has been stopped and amount already paid to the petitioner along with special family pension has been recovered.

(ii) For direction upon the respondent authorities to refund the recovered amount of D.A. (dearness allowance) and medical allowance which was being paid but the same has been recovered after payment from the extra ordinary (special) family pension of the petitioner arbitrarily.

(iii) This writ application is also for further direction to the respondents authorities to grant any such other relief or reliefs for which the petitioner is found legally entitled in the facts and circumstances of this case.

3. Learned counsel appearing on behalf of the State refers to Para-5 of the supplementary counter filed on behalf of respondent no.9, which is reproduced hereinafter:

“That Dearness Relief on Family Pension will not be admissible to the employee appointed on compassionate ground, till his/her retirement; but that Dearness Relief on Family Pension shall be admissible after retirement as per Para 3(II) of Rule 186 of Section V-Wound and other Extraordinary Pension of Bihar Pension Rule, 1950 (Annexure-C) which was incorporated in Bihar Pension Rule, 1950 vide Notification Memo No. F(27)Pen-(c)101/15-180/F dated 23.02.2016 (Annexure-D).

4. The amendments which has been brought vide Notification dated 23.02.2016 contained in Memo No. F(27)Pen-(c)101/15-180/F (Annexure-D) is reproduced hereinafter:

“In exercise of the powers conferred under Proviso to Article 309 of the Constitution of India, the Governor of Bihar is hereby pleased to make the following Rules to amend the Bihar Pension Rule, 1950:-

1. Short title, extent and commencement –

(1) These rules may be called the Bihar Pension (Amendment) Rules, 2016.

(2) It shall extend to the whole of the State of Bihar.

(3) It shall come into force at once.

2. The following sub rule (3) shall be added after



sub rule (2) of Rule-186 of the said Rules, 1950:  
“(3) (i) On death of one of the independently employed spouses by the Govt. and on other in service, dearness relief on family pension in addition to his/her own pay will be admissible to him or her.  
**(ii) Dearness Relief on Family Pension will not be admissible to the employee appointed on compassionate grounds, till his/her retirement; but that dearness relief on family pension shall be admissible after retirement.”**

5. The aforesaid amendment has not been challenged in the present writ petition, the relief as prayed for by the petitioner cannot be interfered with.

6. The writ petition stands disposed of.

**(Purnendu Singh, J)**

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| AFR/NAFR          | N.A.F.R.   |
| CAV DATE          | N.A.       |
| Uploading Date    | 14.10.2023 |
| Transmission Date | N.A.       |

