

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10869 of 2022

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Basudeo Singh Son of Late Pathlu Singh, resident of Mohalla Durga Charan Lane, P.S.-Alamganj, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary, Department of Education, Bihar, Patna.
3. The Director (Secondary Education), Department of Education, Bihar, Patna.
4. The District Education Officer, Hajipur at Vaishali.
5. The District Programme Officer (Establishment), Hajipur at Vaishali.
6. The Head Mistress, Raj Samposhit Balika Uchcha Vidhyalay, Hajipur.
7. The Accountant General (A and E) Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhu Nath Pathak, Advocate
For the Respondent/s	:	Mr. Madanjeet Kumar, GP-20
For the Accountant General	:	Mr. Arun Kumar Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 08-12-2023

Heard Mr. Prabhu Nath Pathak, learned counsel appearing on behalf of the petitioner, Mr. Madanjeet Kumar, learned GP-20 and Mr. Arun Kumar Arun, learned counsel for the Accountant General, Bihar, Patna.

2. The petitioner claiming himself to be husband of Late Ragini Verma, who superannuated on 31.12.2018 from the post of Assistant Teacher from Raj Samposhit Balika Uchcha Vidhyalay, Hajipur, has filed the present writ petition seeking a direction upon the respondents to ensure family pension as well as other admissible dues to the petitioner.



3. It is submitted on behalf of the petitioner that his wife, Ragini Verma, died on 11.02.2019, leaving behind the petitioner and two daughters, namely, Mona Mayank and Neha Nidhi. In support of his claim, he also brought on record the marriage certificate, Aadhar Card, passbook of the bank, death certificate and the certificate of family member list issued by the Circle Officer. It is further contended that, in fact, on account of inadvertence, the name of the petitioner could not be mentioned at appropriate column of the husband in the nomination paper, which resulted into all such chaos and making it a basis, the petitioner has not been allowed the family pension till date. He next submitted that after the retirement of the erstwhile employee, the P.P.O. had already been issued by the Accountant General, Bihar, Patna and substantive retiral benefits have already been bestowed to her. He, thus, submits that there is no impediment in granting the benefit of family pension and other admissible dues, as the petitioner being husband of the erstwhile employee.

4. A counter affidavit has been filed on behalf of the respondent no. 5. It is submitted that on being superannuated, the pension authority was issued in favour of the deceased employee with effect from 01.01.2019, however, she died on



11.02.2019, moreover, prior to her death, all the retiral dues have been paid to the deceased employee. It is next submitted that the pension paper and the service book was submitted to the Accountant General for fixation of pension, after due verification done by the deceased employee. In the pension paper, the column of nominee was cut by putting a cross in it. The name of the petitioner had not been mentioned in the service book and there was only photograph of deceased employee attested by her and her daughter, namely, Mona Mayank, was made as the nominee. In such circumstances, the learned counsel for the State submits that the petitioner may be directed to bring the succession certificate or any other document by which it can be conclusively be regarded the petitioner as the husband of the deceased employee, then the process of payment of family pension could be initiated.

5. This Court has heard the parties and perused the materials. It is needless to observe that sufficient materials have been brought on record in support of the claim of the petitioner, showing him as the husband of the erstwhile employee, namely, Ragini Verma. This Court further observe that the only thing which is required to be done by the State authorities is to verify the genuineness of the documents.



6. In such view of the matter, this Court deems it proper to direct the District Programme Officer (Establishment), Hajipur at Vaishali to examine the claim of the petitioner on the basis of the documents which shall be made available to him and for the said purpose, this Court also directs the petitioner to file a proper representation before the respondent no. 5 along with all the documents in support of his claim, showing his bona fide that he is husband of the erstwhile employee, preferably within a period of four weeks from today. In case, such a representation along with necessary documents is filed on behalf of the petitioner, the District Programme Officer (Establishment), Hajipur at Vaishali shall consider and verify the same and pass necessary order for family pension, in accordance with law, preferably within a further period of eight weeks, thereafter.

7. Accordingly, the present writ petition stands disposed of.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.12.2023.
Transmission Date	NA

