

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11994 of 2022

Shrimati Vidyawati Devi Wife of Sri Madandhari Sharma, Resident of Parari,
P.O.- Taranagar, Bihta, Patna, at Present residing at Raghukunj, Puranee, Near
Arvind Mahila College, P.S. - Kadamkuan, Patna (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The District Education Officer, Bhojpur at Ara.
5. The Head Master, High School, Rajapur, Koilwar under Ara District.
6. The Director General of Police, Bihar, Patna.
7. The Senior Superintendent of Police, Patna.
8. The Officer Incharge of Kadamkuan Police Station, Patna.
9. The Principal Accountant General (A and E), Bihar, Patna.
10. The Senior Accounts Officer, Bihar, Patna.
11. The Treasury Officer, Bhojpur at Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bhairaw Nand Sharma, Adv.
For the Respondent/s	:	Mr. Subhash Chandra Mishra, (SC- 16)
For the A.G.	:	Mr. Prabhat Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-01-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The present application has been filed for issuance of
a writ in the nature of writ of mandamus commanding and
directing the concerned respondents to pay the family
pension/pension alongwith other legal consequential benefits to
the petitioner for whom she is legally entitled with 18%
compound interest till date of full and final payment of all the
due family pensions as well as month to month family pension
should also be paid regularly, where the husband of the
petitioner was a retired Assistant Teacher and he was getting his

pension regularly, but all of a sudden he became traceless since 10.07.2017 and accordingly his pension stopped by the concerned authority on the absence of his life certificate.

Learned counsel for the petitioner submits that petitioner is an 82 years old lady and her husband retired from service from the post of Assistant Teacher on 31.07.1998. He was getting pension since 01.08.1998 by A.G. Bihar, through S.B.I. Bihata Main Branch, through A/C No. 11255325971 and IFSC Code – SBIN0001217.

He submits that petitioner's husband became traceless since 10.07.2017. In this regard a *sanha* was lodged before the police bearing SDE no. 477/17 dated 11.07.2017 before Kadam Kua Police Station.

He submits that petitioner has filed representation for grant of family pension and other retiral dues in her favour for which her traceless husband was entitled for.

He further submits that representation was filed, which is Annexure-2, on which no decision was taken as yet by DEO, Bhojpur. He also submits the said representation was to sent to the Principal Secretary, Education Department, Patna, Bihar.

He further submits that there is a specific circular

issued by the Government of Bihar bearing no. 107/12/18/M/1083/Bihar dated 24.02.1990, which deals about the applicability of family pension to the family members of the traceless employee.

From the order dated 02.11.2022, it transpires that the State counsel seeks 4 weeks time to file counter affidavit specifying the rules, regulations and executive instructions with regard to payment of traceless employees. But till date no counter affidavit has been filed.

This court feels that this case should be disposed of at once. With this view of the matter, it is hereby directed to the respondent no. 2 to decide the claim of the old aged petitioner within 60 days and ensure the payment to her for which she is legally entitled.

Upon deciding the claim of the petitioner, respondent no. 2 has also been directed to ensure payment within 30 days thereafter in the account of the petitioner.

With this direction the present Writ petition is disposed off.

(Dr. Anshuman, J.)

ashishsingh/-

U			
---	--	--	--