

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15216 of 2023**

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Kiran Devi, aged about 56 years, Gender- Female, W/o Late Ram Niranjana Prasad, Resident of Village- Madhopur, P.O.- Haridaspur, P.S.- Nathnagar, District- Bhagalpur-812006.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna- 800015.
2. The Treasury Officer, Bhagalpur- 812001.
3. The State Bank of India, through the General Manager (Bihar), Local Head Office, 5th Floor, West Gandhi Maidan, Patna.
4. The Branch Manager, State Bank of India, Nathnagar Branch, Nathnagar, Bhagalpur.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-------------------------------------|
| For the Petitioner/s | : | Mr. Purushottam Kumar Jha, Advocate |
| For the State        | : | Mr. kumar Kamal Nayan, AC to SC 28  |
| For the S.B.I.       | : | Mr. Anjani Kr. Mishra, Advocate     |
|                      |   | Mr. Vijay Bardhan Pandey, Advocate  |

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

**Date : 06-11-2023**

Heard Mr. Purushottam Kumar Jha, learned counsel appearing on behalf of the petitioner; Mr. kumar Kamal Nayan learned AC to SC for the State and Mr. Anjani Kr. Mishra, along with Mr. Vijay Bardhan Pandey, learned counsels for the State Bank of India.

2. Brief facts of the case are that the father-in-law of the petitioner had retired from the post of Assistant Teacher in



Rajkiya Uchch Buniyadi Vidyalaya, Mihijam, Santhal Pargana and after his death on 22.12.2010, the wife of the deceased employee, namely, late Kusuma Devi, who was the mother-in-law of the present petitioner, became entitled for family pension and to receive the dues on account of terminal benefits which were not paid to the deceased employee.

3. It is the specific submission of the petitioner that her mother-in-law died on 21.08.2016 and later on, her husband also died on 03.02.2018.

4. The petitioner is aggrieved by the action of the respondent/Bank, as after the death of her father-in-law on 22.12.2010, her mother-in-law became entitled for being paid retiral dues and family pension from 23.12.2010. However, for one or the other reason, the same could not be started before 17.10.2016 and thereafter certain amount, after the death of her mother-in-law, was credited into her account in four instalments on account of family pension, amounting to Rs.32,300/-.

5. It is pertinent to mention here that the mother-in-law of the petitioner was entitled for being paid family pension amount from 23.12.2010 to 21.08.2016, as she had died on 21.08.2016.

6. The petitioner claims that the action of the



Branch Manager of the State Bank of India, Nath Nagar Branch, Bhagalpur is against the law laid down by the Apex Court in the case of **D.S. Nakara & Others. Vs. Union of India** reported in **(1983) 1 SCC 305**. The relevant benefit required to meet the hardship faced by wife of the deceased employee during the lifetime of the deceased/mother-in-law of the petitioner has been defeated. It is further submitted that the respondents may be directed to re-calculate the arrears of family pension of the aforesaid period and after making adjustment of the said amount of Rs.32,300/-, which was credited into the bank account of her mother-in-law after her death, balance amount is required to be paid to the petitioner, who is also a widow.

7. Considering the aforesaid facts, the concerned Branch Manager is directed to calculate the family pension, to which the widow of late Nathe Mandal, namely, late Kusuma Devi, was entitled. The calculation must be done in accordance with the provision of Bihar Pension Rules which entitles a widow of the deceased employee for family pension. The difference of amount which has not been paid to the wife of the deceased employee must be paid to the petitioner, who is the legal heir, in accordance with succession law applicable to the



deceased employee, within a period of four weeks from the date of passing of this order. The Bank must make payment of interest on account of delay in payment of retiral dues not paid and family pension, from the date of its entitlement.

8. With the aforesaid observation and direction, the writ petition stands disposed of.

**(Purnendu Singh, J)**

Sanjay/-

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| AFR/NAFR          | NAFR       |
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