

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15591 of 2023

=====

Tara Sinha Wife of Late Samrendra Prasad Sinha, Resident of Mohalla-Dandi bagh,
P.O. Chand Chaura, P.S.-Vishnupad, District-Gaya, PIn Code-823001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Urban Development and Housing, Government of Bihar, Patna.
2. The Principal Secretary, Department of Urban Development and Housing, Government of Bihar, Patna.
3. The Special Secretary, Department of Urban Development and Housing, Government of Bihar, Patna.
4. The Gaya Municipal Corporation through the Town Commissioner, Gaya.
5. The Town Commissioner, Gaya Municipal Corporation, Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Amaresh Kumar Sinha, Advocate
	:	Mr. Vaibhav Narayan, Advocate
	:	Mr. Vibhuti Pathak, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar, SC-9

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 06-11-2023

Heard Mr. Amaresh Kumar Sinha, learned Counsel
appearing on behalf of the petitioner and Mr. Kinkar Kumar,
learned SC-9 appearing on behalf of the State.

2. Learned counsel appearing on behalf of the
Municipal Corporation has informed this Court that vide Memo
No. 587/Sa dated 05.03.2016(Annexure P/1), issued under the
signature of Town Commissioner, Gaya Municipal Corporation,
Gaya, a decision was taken to resume the family pension to the
family-pension-holders under Rule 37 of the Patna Municipal
Corporation Officers and Servants Pension Rules, 1955 from
01.04.2016 and no claim for financial benefits prior to 01.04.2016
should be made as such period shall be treated as zero. This order

was to be made applicable for those beneficiaries whose family pension was earlier stopped on completion of five years of payment of family pension in terms of Rule 35. After death of petitioner's husband in harness on 27.12.2000, the petitioner was granted family pension for five years and was paid upto 28.11.2008. Counsel further submits that petitioner has already filed representation before the Municipal Corporation.

3. The Municipal Corporation is directed to consider grievances of the petitioner, as prayed in the present writ petition in the light of decision of the Corporation, which was taken way back in the year 2016.

4. Equality being the basis of the constitution, the petitioner deserves to be treated equally. The concerned authority is directed to take steps to continue family pension of the petitioner, in accordance with law within a period of 6 weeks from the communication of this order.

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

(Purnendu Singh, J.)

Ashishsingh/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	