

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4306 of 2021

=====

Yashoda Devi @ Maya Devi W/o Late Shyam Shankar Jha, resident of Village and P.O.-Bangaon North (Thakurpatti Tola), Near Durga Asthan, Ward No. 02, P.S.-Bangaon, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Finance, Government of Bihar, Patna.
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. The State Bank of India through its Zonal Manager, Anta Ghat, Patna.
4. The Chief Branch Manager, State Bank of India, Secretariat Branch, Sinchai Bhawan, Patna.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate
For the Respondent/s	:	Mr. Javed Gaffar Khan, AC to GP-24
For the Bank	:	Mr. Satya Vrat, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 08-02-2024 Heard Mr. Pramod Mishra, learned counsel appearing on behalf of the petitioner and Mr. Javed Gaffar Khan, learned counsel for the State. The State Bank of India is represented by Mr. Satya Vrat, learned counsel.

2. The petitioner, a hapless widow of Late Shyam Shankar Jha, has filed the writ petition under Article 226 of the Constitution of India, seeking a direction upon the respondents concerned to ensure payment of due arrears of family pension to the petitioner since July, 2006 till date.

3. It is submitted on behalf of the petitioner that late



husband of the petitioner who was holding the post of Secretariat Assistant, superannuated on 31.01.2002 and subsequent thereto he died on 19.06.2006.

4. Despite the said demise of her husband when the family pension has not been accorded to her, she approached before the learned Lokayukta and pursuant to the order dated 06.06.2016 the family pension has been started since May, 2017.

5. He further submits that the petitioner again approached before the respondent concerned to ensure the arrears of family pension since 20.06.2006 to April, 2017 despite repeated requests and representation no action was taken, compelling the petitioner to approach before this Court and thus the present writ petition.

6. During pendency of the writ petition and on the intervention of this Court finally the arrears of family pension of the petitioner with effect from 20.06.2006 to 28.02.2017, to the tune of Rs. 13,90,507/- has been credited in her account on 18.02.2022 as would be evident from the statements of account as has been brought on record by way of filing supplementary counter affidavit on behalf of respondent no. 2.

7. At this juncture, learned counsel for the petitioner submits that admittedly the petitioner was entitled to get her



family pension soon after the death of her husband who died on 19.06.2006, but surprisingly the family pension has been started in May, 2017 and the arrears of family pension has been accorded to the petitioner in the year 2022, that to without any interest over the delayed payment.

8. At this juncture, learned counsel for the State, as well as bank submitted that no such relief has been claimed for in the writ petition and thus, it would be proper for the petitioner to file an appropriate representation for the interest over the delayed payment.

9. Considering the submissions advanced on behalf of the parties prima facie it appears that delay has occurred in ensuring the payment of arrears of family pension, thus this Court thinks it apt and proper to dispose of the writ petition with a direction to consider the claim of the petitioner for interest over the delayed payment in the light of the judgment rendered by the Learned Co-ordinate Bench of this Court in the case of Shyam Sundar Prasad vs. State of Bihar & Ors. [2017(1) PLJR 906].

10. Needless to observe that if such a representation is filed before the respondent no. 2 preferably within a period of 4 weeks from today, he shall consider and dispose of the same by



a reasoned and speaking order in the light of the afore-noted judgment.

11. It is made clear that if the claim of the petitioner finds favour consequential interest over the delayed payment must be paid within the further period of 4 weeks thereafter.

12. This disposes the writ petition.

(Harish Kumar, J)

supratim/-

U			
---	--	--	--

