

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3894 of 2022

Mostt. Parbhawati Devi, Wife of Late Chand Govind Ram, resident of Village-Mehrai, P.O.-Mehrai Diha, P.S.-Narhi, District-Ballia (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Urban Development Department, Government of Bihar, Patna.
2. The Patna Municipal Corporation through Municipal Commissioner cum Chief Executive Officer, Patna Municipal Corporation, Patna.
3. Deputy City Commissioner, Patna Municipal Corporation, Patna.
4. Executive Officer, Bankipur Anchal, Patna Municipal Corporation, Patna.
5. Controller, Finance Account, Patna Municipal Corporation, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mani Madhukar, Advocate
For the Respondent/s	:	Ms. Sushmita Sharma, AC to SC-9
For the P.M.C.	:	Mr. Ranjeet Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 08-10-2024

Heard the parties.

2. The petitioner, a hapless widow, whose husband was a permanent employee of Patna Municipal Corporation died on 05.01.2006, has approached this Court by filing the present writ application seeking a direction upon the respondent-Patna Municipal Corporation to ensure family pension to the petitioner w.e.f. 01.10.2018 as also the arrears of pension till the date, the family pension is started.

3. A counter affidavit has been filed on behalf of respondents no. 2 to 5, wherein a categorical averment has been made that the erstwhile employee superannuated from the post



of Peon on 30.11.1990 and on his retirement, all the post retiral benefits and other dues have been paid. After the death of the erstwhile employee, the family pension was applicable only for five years and accordingly the petitioner was paid family pension for 06.01.2006 to 05.01.2011. Subsequent thereto, in a meeting of the Empowered Standing Committee of the Patna Municipal Corporation, a decision was taken to grant family pension for whole life to the dependents of its officers and employees after their death with certain conditions. It was made clear that the family pension shall be applicable w.e.f. 01.10.2018 and dependents of the employees shall submit affidavit to this effect that they will not claim/demand for family pension prior to October, 2018.

4. In view of the decision taken by the Empowered Standing Committee, the family pension of the petitioner to the tune of Rs. 9,000/- per month was fixed vide Memo No. 826 dated 11.04.2022 w.e.f. 01.10.2018. The arrears of family pension of the petitioner has also been calculated and sanctioned vide order as contained in Letter No. 1817 dated 26.07.2002 issued under the signature of Executive Officer, Bankipur Circle, Patna. It is also averred in the counter affidavit that on account of paucity of fund, the arrears could not be paid to the



petitioner. However, the same shall be paid to her after receipt of the allotment of fund from the Headquarter. It is also stated that the family pension will be made available only after physical verification of the petitioner, but despite the information given to her, till date neither she appeared in the office for physical verification nor provided the necessary documents, including PAN card etc.

5. Considering the averments made in the counter affidavit, this Court deems it fit and proper to dispose off the writ petition with a direction to the petitioner to ensure her presence before respondent no.4, Executive Officer, Bankipur Circle, Patna Municipal Corporation, Patna on or before 25.10.2024 along with all the necessary required documents.

6. Suffice it to say that, in case of submission of all the necessary documents and physical verification of the petitioner, her monthly pension must be started by the month of October, 2024.

7. So far the arrears of family pension are concerned, the same must be accorded to the petitioner, preferably within a period of three months from the date of receipt/production of a copy of this order.

8. Needless to observe that the petitioner is a hapless



widow and has been running from pillar to post for the last several years and thus the period prescribed by this Court must be adhered to by the respondent no.4.

9. The writ petition stands disposed off with the aforesaid direction.

(Harish Kumar, J)

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