

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4860 of 2022

Janak Dulari Devi, Wife of Late Giraja Ram, Resident of Village- Chandaut,
Police Station - Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Bihar, Patna.
2. The Director of Education, Primary, Education Department, Bihar, Patna.
3. The District Education Officer, Bihar Sharif, Nalanda.
4. The Treasury Officer, Bihar Sharif, Nalanda.
5. The District Programme Officer (Establishment) Bihar Sharif, Nalanda.
6. The Assistant General Manager, State Bank of India, Central Centralised Pension Processing Cell, Administrative Office Building, 4th Floor, J.C. Road, Patna- 1
7. The Branch Manager, State Bank of India, Hilsa Branch, Hilsa, Nalanda.
8. The Accountant General, Birchand Patel Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rana Ishwar Chandra, Advocate
For the Respondent/s	:	Mr. Madhaw Prasad Yadaw, GP- 23 Mr. Sanjay Kumar, AC to GP-23
For the S.B.I.	:	Mr. Apurv Harsh with Mr. Raghu Raj Pratap, Mr. Hritik Anand and Mr. Manu Tripurari, Advocates
For the AG, Bihar	:	Mr. C. Swaroop, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 30-10-2024

Heard the parties.

2. The petitioner has invoked the jurisdiction of this Court seeking a direction upon the respondents to ensure payment of Dearness Allowance and Medical Allowance, which



has been illegally stopped without assigning any reason since 1995.

3. Learned Advocate for the petitioner adverting to the narrations made in the writ petition has contended that the husband of the petitioner was initially appointed on 07.06.1971 as an Assistant Teacher and later on he was promoted to the post of Headmaster. While working on the aforementioned post, he died in harness on 25.10.1988. Upon the death of the husband of the petitioner, she filed an application for appointment on compassionate ground. The District Compassionate Establishment Committee considered the claim of the petitioner and appointed her to the post of Peon on compassionate ground on 28.01.1993 in Lal Bahadur High School, Makhdumpur, Patna. While working on the post of peon, the petitioner superannuated on 28.02.2015.

4. Learned Advocate for the petitioner contended that despite the aforesaid fact that she was appointed on compassionate ground, she has not been allowed Dearness Allowance and Medical Allowance on her family pension, thus she approached this Court.

5. Mr. Madhaw Prasad Yadaw, learned Advocate for the State referring to the notification, as contained in Memo



No. 180, dated 23.02.2016 has contended that if any dependent was appointed on compassionate ground, then he/she shall not be entitled to get Dearness Allowance and Medical Allowance along with the family pension. However, he/she shall be entitled to get the aforementioned allowances after the superannuation.

6. Suffice it to observe that the petitioner superannuated from the post of Peon on 28.02.2015, thus as per the notification issued by the Finance Department, Government of Bihar, the petitioner is entitled to get the Dearness Allowance and Medical Allowance along with her pension/family pension after the retirement.

7. In view of the aforesaid facts and limited grievance of the petitioner, the writ petition stands disposed off with a direction to the District Programme Officer (Establishment), Bihar Sharif, Nalanda to consider the claim of the petitioner for Dearness Allowance and Medical Allowance in the light of the notification dated 23.02.2016 and ensure payment of all the admissible amount and arrears thereof preferably within a period of twelve weeks from the date of receipt/production of a copy of this order.

8. It is made clear that the petitioner is a retired widow/lady and thus the answering respondent shall adhere the



time stipulated hereinabove.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2024
Transmission Date	NA

