

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7781 of 2022

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Binu Devi Wife of Rajendra Ram, Village-Krithakori, P.O.-Kori, P.S.-Sadash
District-Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms and Revenue, Patna
2. The Director, Land Settlement, Bihar, Patna.
3. The Assistant Settlement Officer, Munger.
4. The Account General, Bihar, Bir Chand Patel Patha, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.
For the Respondent/s : Mr. Birendra Prasad Singh, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 14-11-2024 Heard Learned Advocate for the petitioner and the

learned Advocate for the State.

2. The petitioner claiming herself to be the second wife of late Rajendra Ram who superannuated on 31.05.2015 from the post of peon under the Settlement Department and subsequently he died on 04.05.2021.

3. Learned Advocate for the petitioner contended that admittedly the petitioner is the second wife, but in the case in hand, the first wife died on 16.11.2021 without getting the benefit of family pension. The petitioner being the second wife approached before this Court by filing the present writ petition seeking a direction upon the respondents to ensure family

pension w.e.f. the date on which her husband died. Learned Advocate for the petitioner also drew the attention of this Court to the averments made in the counter affidavit and the letter issued by the Assistant Settlement Officer, Munger, duly addressed to the Accountant General, Bihar, Patna as contained in Memo No. 998 dated 20.09.2022. Referring thereto, learned Advocate further contended that considering the admitted fact that first wife died on 16.11.2021 and the petitioner being the only surviving wife is entitled to get the family pension in terms of Letter No. 1549 dated 27.06.2011, the Assistant Settlement Officer requested to the Accountant General, Bihar, Patna to issue Pension Payment Order in favour of the petitioner and intimate the same to the Department; but till date no authority letter has been issued in favour of the petitioner.

4. Learned Advocate for the State submits that since the Assistant Settlement Officer, Munger communicated the aforementioned letter to the Accountant General, Bihar, Patna. The authority is required to be issued from his level.

5. Considering the submission advanced on behalf of the learned Advocates for the respective parties and taking note of the letter issued by the Assistant Settlement Officer, wherein, the petitioner has been found entitled to get the family pension

in terms of Letter No. 1549 dated 27.06.2011. This Court directs the Accountant General, Bihar, Patna to consider the claim of the petitioner for her family pension, preferably within a period of eight weeks from the date/production of a copy of this order.

6. Suffice it to observe that if the case of the petitioner finds, otherwise, favour necessary authority letter must be issued within the stipulated period.

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

(Harish Kumar, J.)

Jyoti Kumari/-

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