

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13134 of 2021

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Roj Anthony @ Rosy Anthony W/o Late Gabriel Anthony, Resident of House
No. 5, Fair Field Colony, Digha Ghat, P.S.- Digha, Patna - 800011.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Deputy Secretary, Home Department, Government of Bihar, Patna.
5. The Director General of Police, Bihar, Patna.
6. The Senior Superintendent of Police, Patna.
7. The Treasury Officer, Patna Collectorate Treasury, Patna.
8. The Account General, A and E, Bihar, Birchand Patel Patna, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Roona, Advocate
For the Respondent/s	:	Mr. Md. Nadim Seraj, GP-5
		Ms. Shalini, AC to GP-5
For AG, Bihar	:	Mrs. Ritika Rani, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

11 09-09-2024 Heard Ms. Roona, learned Advocate for the peti-

tioner, Ms. Shalini, learned Advocate for the State and the Ac-

countant General, Bihar is represented by Mrs. Ritika Rani.

2. The husband of the petitioner superannuated as
Sub-Inspector from Secretariat Police Station, Patna on
31.03.1991. Subsequently thereto, the petitioner's husband died
on 12.02.1996, whereafter the family pension was commenced
in favour of the petitioner with effect from 13.02.1996, vide
PPO No. S/85050.



3. Despite the implementation of the 5th, 6th and 7th pay revision, the petitioner has not been accorded the afore-noted benefit. She filed several representation, when nothing has been done, she approached before this Court by invoking the jurisdiction of this Court under Article 226 of the Constitution of India, seeking a direction upon the respondents to revise the family pension of the petitioner in terms of pay revision(s) with effect from 01.04.1997, 01.04.2007 and 01.04.2017.

4. Learned Advocate for the petitioner fairly contended that during the pendency of the present writ petition the partial grievance of the petitioner with respect to the benefit of 7th pay revision, has been accorded and the family pension of the petitioner has been revised with effect from 01.04.2017 but, unfortunately, without according the benefit of 5th and 6th pay revision.

5. It is also contended that by now the petitioner has attained the age of 80 years on 14.11.2022 and, as such, in terms of the Finance Department Resolution No. 755, dated 20.10.2017, she is also entitled to get 20% of additional enhanced family pension. For the said prayer an interlocutory application bearing I.A No. 01 of 2022 has also been filed.

6. In response to the interlocutory application no



counter affidavit has been filed. However, there is a counter affidavit on behalf of the Accountant General, Bihar.

7. An averment has been made that so far payment of revised family pension in the light of 5th and 6th pay commission, and after completion of 80 years; the responsibility of granting 20% additional pension payment lies with treasury/bank. The pensioner can, thus, contact to treasury/bank for additional pension and payment of revised family pension in the light of 5th and 6th pay revision.

8. Having heard the submissions advanced on behalf of the respective parties and taking note of the materials available on record, this Court finds that the petitioner is a hapless widow, aged more than 80 years and she has been pursuing this case since 2021 and now for her rightful and legitimate claim she has been compelled to approach before the authorities concerned. In such circumstances, this Court left with no option, but to direct the Senior Superintendent of Police, Patna, to look into the matter and issue appropriate direction to the Treasury Officer, Patna Collectorate, Treasury, Patna to make payment of all the arrears on account of 5th and 6th pay revision within a period of eight weeks from today, by making necessary revision in the pension as also to ensure payment of 20% of additional en-



hanced pension, in view of the Government Resolution No. 755, dated 20.10.2017, the copy of which is marked as Annexure 1/1 to the interlocutory application.

9. It is to be expected that the entire exercise must be completed within a period of 8 weeks from the date of receipt/production of a copy of this order.

10. The interlocutory application, as well as the writ petition, stands allowed.

(Harish Kumar, J)

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