

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17251 of 2023

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Widow Anita Devi, W/o- Late Baldeo Prasad, Resident of Mohalla-L.I.G. Sector-6, Block-4, Quarter no. 211, Bahadurpur Housing Colony, Post-B.H. Colony, Bhuthnath Road, Patna-26, Permanent Address-Widow Anita Devi, Husband-Late Baldeo Prasad, Village-Banshi Bigha, (Sakara), Post-Sirma, P.S.-Hisua, District-Nawada (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Director in Chief, Health Services, Government of Bihar, Patna.
3. The Principal, Patna Medical College and Hospital, Patna.
4. The Superintendent, Patna Medical College and Hospital, Patna.
5. The Deputy- Superintendent, Patna Medical College and Hospital, Patna
6. The Head of the Department, E.N.T., Patna Medical College and Hospital, Patna
7. The Treasury Officer, Patna.
8. The Accountant General (A and E) II Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar Singh, Advocate
For the Respondent/s	:	Mr. S.D. Yadav (AAG-9)
		Mr. Braj Bhushan Mishra, AC to AAG-9
For A.G, Bihar	:	Mrs. Ritika Rani, Advocate

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 16-05-2024

Heard Mr. Deepak Kumar Singh, learned counsel for the petitioner, Mr. S.D. Yadav, learned AAG-9 representing the respondent-State and Mrs. Ritika Rani, learned counsel for the



Accountant General, Bihar.

2. The petitioner, who is the widow of late Baldeo Prasad, has filed this writ petition seeking direction to the respondent authorities to pay family pension of her late husband, Baldeo Prasad.

3. The husband of the petitioner, late Baldeo Prasad had retired on 30.11.2001 on attaining the age of superannuation from the post of Male Ward Attendant, E.N.T. Department, P.M.C.H., Patna. He died on 11.11.2016.

4. The grievance of the petitioner is that although the late husband of the petitioner had retired on 30.11.2001 from the post of Male Ward Attendant, E.N.T. Department, P.M.C.H., Patna and died on 11.11.2016, the respondent authorities have not paid family pension to the petitioner after death of her husband, late Baldeo Prasad.

5. Respondent nos. 4 and 5 have filed a counter affidavit. In paragraph nos. 5 and 6 thereof, it has been stated as under:-

“5. That, the husband of the petitioner died on 11.11.2016. Thereafter the petitioner made applications for grant of family pension and in this respect the office of the Accountant General (A&E), Bihar vide its letter dated 02.12.2021 (Annexure-5) to the writ application informed the



Superintendents, PMCH, Patna that the approval letter on behalf of him is required in the name of the petitioner for fixation of family pension in her name.

6. That, the Superintendent, PMCH, Patna vide his letter dated 06.03.2024 as contained in Memo No. 1329 dated 06.03.2024 has informed the office of the Accountant General (A&E), Bihar, Patna that the petitioner is entitle for the family pension after the death of her husband namely Baldeo Prasad.”

6. On perusal of paragraph nos. 5 and 6 of the counter affidavit filed on behalf of respondent nos. 4 and 5, which has been extracted herein above, it is noticed that the respondent nos. 4 and 5 have stated that the petitioner is entitled for family pension after the death of her husband, late Baldeo Prasad.

7. Respondent no.8, the Accountant General, Bihar has also filed counter affidavit as well as supplementary counter affidavit. In paragraph nos. 5 and 6 of the supplementary counter affidavit, it has been stated as under:-

“5. That it is to inform that in compliance of this office letter No. -Pen-04(23-24)-1967 dated 26.12.2023, the Superintendent, P.M.C.H., Patna vide their letter no. 1329 dated 06.03.2024 has intonated that widow Anita Devi is the legal wife of Late Baldev Prasad, Ex-MWA, P.M.C.H., Patna Holder of PPO No. 353687 and is entitled



for family pension.

6. That a letter has been sent to Superintendent, P.M.C.H., Patna with the request to provide the departmental sanction in favour of widow Anita Devi W/o Late Baldeo Prasad for family pension, attested copy of signature and photograph of family Pensioner, the attested copy of death certificate of Late Prasad and the updated service book of Late Baldeo Prasad, if the authorisation of family pension and issuance of authority is expected from this office vide this office letter no. -PEN-04-(24-25)-93 dated 12.04.2024, compliance is still awaited.”

8. On perusal of paragraph nos. 5 and 6 of the supplementary counter affidavit filed on behalf of the respondent no.8, which have been extracted herein above, it is noticed that in compliance to the office letter no. Pen-04(23-24)-1967, dated 26.12.2023, the Superintendent, P.M.C.H., Patna, vide letter no. 1329, dated 06.03.2024, has informed that the petitioner is a legal wife of late Baldeo Prasad, Ex. Male Ward Attendant, P.M.C.H., Patna holder of P.P.O. No. 353687 and is entitled for family pension. It also appears that respondent no.8 has written a letter vide letter no. - PEN-04-(24-25)-93, dated 12.04.2024 to the Superintendent, P.M.C.H., Patna with a request to provide the departmental sanction in favour of the



petitioner, who is the widow of late Baldeo Prasad for family pension; and also an attested copy of the signature and photograph of family pensioner, attested copy of the death certificate of late Baldeo Prasad and the updated service book of late Baldeo Prasad for authorisation of family pension.

9. It, thus, appears that although the petitioner has been found to be entitled for family pension of late Baldeo Prasad, but the same has not been paid to her because of inaction of the respondent nos. 4 and 5 to comply with the letter no. PEN-04-(24-25)-93, dated 12.04.2024, written by the Accountant General, Bihar requesting for providing the departmental sanction in favour of the petitioner, who is widow of late Baldeo Prasad for family pension and also an attested copy of the signature and photograph of family pensioner, attested copy of the death certificate of late Baldeo Prasad and the updated service book of late Baldeo Prasad.

10. Under the circumstances, the respondent authorities, more particularly respondent nos. 4, 5 and 8 are directed to ensure the sanction of the family pension of late Baldeo Prasad, Ex-Male Ward Attendant, E.N.T., department, P.M.C.H., Patna to the petitioner within a period of one month from today, failing which, the same shall carry an interest at the



rate of 12% per annum from the date it is made payable.

11. The writ petition is disposed of with above direction.

(Nani Tagia, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.05.2024
Transmission Date	N/A

