

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17515 of 2023

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Shyamadei Kuwar @ Shamdei Kuwar, Wife of Late Lakhan Ram, Resident of
Village- Dew, P.S.- Sikrahata, district- Bhojpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Municipal Commissioner, Gaya Municipal Corporation, District- Gaya (Bihar).
3. The Special Officer, Gaya Municipal Corporation, District- Gaya (Bihar).
4. The Branch Manager, Bank of India, Gaya Branch, Harihar Market C.B.R., Gaya, District- Gaya, Pin Code- 823001(Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Advocate
For the Respondent/s	:	Mr. Abbas Haider, SC- 6
For the Bank	:	Mr. Ravish Mishra, Advocate
For the Corporation	:	Mr. R. K. Priyadarshi, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 22-01-2024

Heard Mr. Uday Kumar, learned counsel for the petitioner, Mr. Rabindra Kumar Priyadarshi, learned counsel for the Gaya Municipal Corporation and Mr. Ravish Mishra, learned counsel for the Bank.

2. The petitioner is the widow of late Lakhan Ram, who died in harness on 13.01.1987 while working under the Gaya Municipal Corporation as Peon, has filed the present writ petition seeking a direction upon the respondents to ensure payment of family pension as well as arrears of pension, which is illegally stopped by the respondents. The petitioner also



sought further direction for payment of arrears of family pension.

3. It is submitted on behalf of the petitioner that after the death of the husband of the petitioner way back in the year 1987, her family pension has been started, which was being credited in the account maintained with the Bank of India, Gaya Branch, but all of a sudden the same has been stopped in the year, 2007.

4. At this juncture, learned counsel for the Gaya Municipal Corporation submits that from the record, it prima facie appears that the husband of the petitioner died in harness on 13.01.1987, though only the photo copy of the pass-book has been brought on record, which merely suggests that she had allowed pension for 2-3 years and thereafter the petitioner neither made any grievance by filing any representation nor she approached before the authority concerned and for the first time the representation has been filed in the year 2016 followed by the legal notice. He further submits that so far the family pension to the dependent of the employees of the Municipal Corporation is concerned, even as per Rule 35 of the Patna Municipal Corporation Officers and servants Pension Rules, the family pension shall be paid to the dependent only for a period



of five years, which reads as follows:

“35. A family pension not exceeding the amount specified in rule 37 may be granted to the family of a Corporation employee who dies whether while in service or after retirement after completion of not less than 20 years qualifying service for a period of 10 years.

Provided that the period of payment of family pension will in no case extend beyond a period of 5 years from the date on which the deceased employee retired or on which he would have retired on a superannuation pension in the normal course accordingly as the death takes place after retirement or while the employee in service.”

5. Having heard the learned counsel for the respective parties and taking note of the fact that the husband of the petitioner died in the year 1987 and the family pension discontinued or put to an end in the year 2007 itself, the present writ petition stands disposed of with a liberty to the petitioner to file fresh representation along with the order of this Court before respondent no.2 preferably within a period of four weeks from today.

6. In case, such representation is filed, the respondent no.2 shall consider and dispose of the same by a



reasoned and speaking order disclosing the reasons for discontinuation of the family pension and in case the petitioner is found entitled, ensure the consequential benefits within a further period of eight weeks.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.01.2024
Transmission Date	NA

