

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18662 of 2024

Abhishek Kumar s/o Late Shivakant Choudhary Rtd. SBO-I, Electric Supply Division, Danapur, PESU (West) Resident of Paharpur, P.O.- Anisabad, P.S.- Gardanibagh, Dist.- Patna-02

... .. Petitioner/s

Versus

1. The South Bihar Power Distribution Co. Ltd. Through Chariman-cum-M.D., Bihar, Patna.
2. The Chairman-cum-M.D., South Bihar Power Distribution Co. Ltd., Bihar, Patna.
3. The General Manager (Finance and Accounts), South Bihar Power Distribution Co. Ltd., Bihar, Patna.
4. The Senior Manager (Finance and Accounts), South Bihar Power Distribution Co. Ltd., Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Kashyap, Mr. Pawan Kumar Singh, Advocates
For the State	:	Mr. Vinay Kirti Singh
For SBPDCL	:	Mr. Kumar Priya Ranjan, Add. SC Mr. Sudharshan Bharadwaj, Adv. Mr. Sandeep Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 11-09-2025 Heard the parties concerned.

2. The present writ petition has been filed for the following relief(s):-

“(i) For issuance of appropriate writ (writs) thereby commanding upon the Respondents to fix and pay the petitioner family pension who is a physically disabled and his percentage of Multiple disability is 70% as per the disability certificate issued by the Department of Empowerment of persons



with Disabilities Ministry of Social Justice and Empowerment, Government of India.

(ii) For further Direction upon the respondents to calculate the petitioner family pension on the basis of last drawn pension of his late father Shiva Kant Choudhary who was a Retired-SBO-I E.S.D. Danapur, Pesu (West) and superannuated on 01.03.2017 and died on 22.04.2022.

(iii) For consequently directing the respondent to calculate and pay the petitioner arrears of family pension with effect from 22.04.2022 i.e. date of death of pensioner with interest and cost.

(iv) For grant of any other relief (reliefs) for which the petitioner may be entitled to in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the petitioner is multiple disabled person who is having 70% of disability and incapable to move and walk of his own and cannot discharge any physical work. The petitioner's very livelihood remained dependent on his father's pension as he himself is unable to do any work due to his complete disablement. It has next been submitted that petitioner's father, namely, Shivakant Choudhary retired as SBO-IESD, Danapur, PESU (West) on 01.03.2017 and Respondents prepared PPO for



pension of Rs. 10,625/- in favour of the petitioner who continuously received the same without any obstruction.

4. It has next been submitted that the petitioner's father died on 22.04.2022 and his mother predeceased his father on 17.01.2016 and after death of his father, he being physically disabled was entitled for family pension, which has been denied because of certain discrepancy in the date of birth mentioned in the nomination paper filled up by the petitioner's deceased father. It has next been submitted that the existence of this petitioner with regard to his being son of the deceased employee late Shivakant Choudhary, who retired as SBO-IESD, Danapur, PESU (West) on 01.03.2017, is not being disputed whereas the only dispute which is being raised by the authorities with respect to date of birth which, according to, the Respondent is that his father has not mentioned the correct date of birth of this petitioner in the claim paper.

5. On the other hand, learned counsel for the respondents submits by taking this Court to paragraph-7 of its counter affidavit wherein the following objections have been taken which are reproduced hereinbelow:-

“That the petitioner had not submitted any legal evidence that his Date of Birth is 25.02.1990. Again, in family member's



list submitted by Late Shivkant Choudhary at the time of retirement (Date of Retirement 28.02.2017), Sri Abhishek Kumar was not shown as physically disabled, and disability certificate submitted by Sri Kumar is issued on dated 16.03.2020, Hence, this matter seems to be of afterthought.”

6. Taking into consideration the fact that the petitioner's disability was tested by an authority, who is competent in law and appropriate disability certificate has been issued by the person who is an authorized person by the Department of Empowerment of Persons with Disabilities, Ministry Of Social Justice and Empowerment, Government of India and the Board which is said to have assessed the disability and has mentioned his date of birth as well as the extent of disability by recording its percentage cannot be questioned by any other persons, who are not expert to make any comment over such certificate.

7. Admittedly, the said certificate is issued by a body competent in law, which cannot be questioned in any manner and needs to be respected taking a very sympathetic view in order to provide source of livelihood to this disabled person protecting his right to life which is guaranteed by the



Constitution of India.

8. Considering the aforesaid, the authorities competent in law is directed to act upon the disability certificate provided by the competent authority *vide* certificate no. BR2890019900142746 dated 16.03.2020 within a period of six weeks from the date of such representation appending all supportive materials to get the issues decided by them and consequential benefits arising out of such decisions shall also be extended in favour of this petitioner with all arrears, without any delay and preferably within four weeks from such consideration.

9. The writ petition stands disposed of.

(Ajit Kumar, J)

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