

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10015 of 2025

Purushottam Sharma Son of Late Suresh Sharma (Retired Clerk P.M.C.H., Patna), a resident of Mohalla- Ghagha Ghat, Bax Sariya Tola, Lok Nayak Path, West Side of Maleriya Office, Police Station- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Health Department, Vikash Bhawan, New Secretariat, Patna.
2. The Superintendent, Patna Medical College and Hospital, Patna.
3. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Mouar, Adv.
For the Respondent/s	:	Mr. Standing Counsel 21
For the A.G.	:	Ms. Nivedita Nirvikar, Sr. Adv.
		Mr. Shashank Shekhar, Adv

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 07-07-2026

Heard learned Advocate for the petitioner and the learned Advocate for the State.

2. The petitioner claiming to be son of late Suresh Sharma, has approached this Court seeking a direction upon the respondents to issue an order of payment of family pension on the ground of disability in terms with the letter contained in Memo No. 188 dated 19.03.1975.

3. The father of the petitioner was the employee of PMCH and while working as an Assistant to the office of Superintendent of PMCH, he finally superannuated in the year



1997. After few years the father of the petitioner died on 14.12.2004, thereafter, the mother of the petitioner was getting family pension till her death on 22.01.2016. Since the petitioner was suffering from disability and thus in terms with the Letter No. 188 dated 19.03.1975, he approached before the authorities concerned for grant of family pension. To support the aforesaid contention, the certificate of physical impairment/mental disability has also been placed on record.

4. When no action was taken, the petitioner has approached this Court in CWJC No. 13087 of 2021, which finally came to be disposed off on 03.01.2023 with a liberty to the petitioner to file a fresh representation before the superintendent of PMCH who was further directed to take a decision granting the benefits of family pension and other retiral benefits in favour of the petitioner and others in accordance with law.

5. In pursuance of the order of this Court dated 03.01.2021 passed in CWJC No. 13087 of 2021, the petitioner was allowed an amount of Rs. 3,23,475/- under the family pension for nineteen months, but again the same was stopped. In the aforesaid premise, the petitioner again rushed to this Court by filing the present writ petition.



6. A counter affidavit has been filed on behalf of respondent no. 2. It has been informed to this Court that vide Memo No. 3071 dated 25.05.2024, once again the required papers and documents of the petitioner was sent to the Accountant General, Bihar, Patna, for taking necessary action in the matter of grant of family pension to the petitioner on the ground of his disability.

7. In response to the aforesaid letter, the office of the Accountant General issued PPO No. 353780P1 dated 15.07.2024 and allowed family pension with effect from 10.07.2023; the order has also been communicated to the Superintendent of PMCH. While extending the family pension in favour of the petitioner on account of disability, the office of the Accountant General has taken note of the decision rendered by the Hon'ble Apex Court in Civil Appeal No. 5151-5152 of 2008 titled as *Union of India and others Versus Tarsem Singh* and observed that the petitioner is entitled to get pension with effect from 10.07.2023, three years prior to the date of filing of the writ petition or the date on which writ petition is filed, whichever is earlier.

8. Learned Advocate for the petitioner referring to the aforesaid letter issued by the office of the Accountant



General submits that admittedly the petitioner had earlier approached this Court in CWJC No. 13087 of 2021 and the application for family pension was filed much prior to that, but while considering the claim of the petitioner for entitlement of family pension on account of disability the same has been paid with effect from 10.07.2023 in a most arbitrary manner.

9. Upon considering the submissions advanced by learned Advocate for the respective parties and taking note of the materials available on record, this Court finds substance in the submission of learned Advocate for the petitioner to the extent that, in case, the claim of the petitioner for extending family pension has been considered in the light of the decision rendered in *Tarsem Singh* (Supra); in such circumstances, the petitioner is obviously entitled to get family pension at least with effect from three years prior to the date of filing of CWJC No. 13087 of 2021, but in no circumstances with effect from 10.07.2023.

10. Accordingly the PPO No. 353780P1 dated 15.07.2024 is directed to be rectified in terms with the direction aforementioned and issued a revised PPO by showing the admissibility of the family pension with effect from three years prior to the date of filing of CWJC No. 13087 of 2021.



11. The entire exercise must be completed preferably within a period of four weeks from today and the arrears of the family pension must be accorded within a further period of two weeks.

12. The writ petition stands disposed off.

(Harish Kumar, J)

sumit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.07.2026
Transmission Date	NA

