**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Civil Writ Jurisdiction Case No.19217 of 2025**

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Amera Khatoon Wife of - Late S.M. Talha Sajid, Resident of- 44, Ward No. 03, New Millat Colony, Sector- 03, Near Masjid, P.S.-Phulwari Sharif, District-Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, General Administration Department, Bihar, Patna.
2. The Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
3. The Joint Secretary, General Administration Department, Bihar, Patna.
4. The Deputy Secretary, General Administration Department, Bihar, Patna.
5. The Under Secretary, General Administration Department, Bihar, Patna.
6. The Accountant General (A and E), Bihar, Patna.
7. The Senior Accounts Officer, Accountant General (A and E), Bihar, Patna.

... ... Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Ali Muqtadir Ahmad, Adv. |
| For the Respondent/s | : | Mr. Asit Kumar Jha, A.C. to G.P.- 2 |
| For the A.G. | : | Mr. Vivekanand Kumar, Adv. |

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**
**ORAL JUDGMENT**
**Date : 06-07-2026**

Heard Mr. Ali Muqtadir Ahmad, learned Advocate for the petitioner and Mr. Asit Kumar Jha, learned Advocate for the State. The Accountant General is represented through Mr. Vivekanand Kumar, learned Advocate.

2. The petitioner is aggrieved with the part of the Memo No. 15015 dated 12.08.2025, whereby the respondent no. 5 had informed the respondent no. 7 for granting family pension with effect from 06.03.2025 instead of 15.12.2013, the date

when the petitioner became entitled for receipt of family pension.

3. Learned Advocate for the petitioner summarizing the facts submitted that her husband, namely, Late S.M. Talha Sajid, Joint Secretary, Higher Education Department, Government of Bihar, Patna, retired on 30.06.2004 and since the first wife of the petitioner's husband, namely, Israt Bano @ Nusrat Bano had died on 18.06.2004 itself, the late husband of the petitioner had solemnized marriage to the petitioner after his retirement on 27.09.2005. Upon superannuation, the petitioner's husband was getting pension and finally he died on 14.12.2013. The petitioner immediately represented for grant of family pension, however, considering the factum of her second marriage, she was asked to bring Succession Certificate from the competent authority.

4. The petitioner in pursuant to such direction, filed a Succession Certificate Case No. 46 of 2015 and finally after a long delay got Succession Certificate in her favour vide order dated 25.03.2022, the copy of which is also placed on record. When the petitioner produced the Succession Certificate, this time the respondent authority has come out with another letter and asked her to submit the updated family list duly attested by the concerned Circle Officer; the same has also been submitted.

On production of the updated family list and the Succession Certificate, the claim of the petitioner was duly considered. However, it has been noticed that there were children from the first marriage, therefore, an enquiry was conducted at the level of D.D.C., who consequently submitted a report before the District Magistrate. Finally, the petitioner was extended family pension vide letter dated 06.03.2025. On receipt of aforesaid sanction letter, the Senior Accounts Officer, Accountant General office made a query, with regard to effective date of extending family pension. In response thereto, the Under Secretary vide its Letter No. 15015 dated 12.08.2025 taking shelter of Rule 210 of the Bihar Pension Rules, 1950 (hereinafter referred to as, "Rules, 1950") has sanctioned the family pension *w.e.f.* 06.03.2025.

5. Mr. Ali Muqtadir Ahmad, learned Advocate for the petitioner submitted that the Letter No. 9961 dated 03.09.1996 issued by the Finance Department, Government of Bihar has clarified the position with respect to admissibility of the post retiral benefits and family pension in favour of the spouses. The earlier notification as contained in Memo No. 9505 dated 03.10.1964 especially Clause 7(ii) note 2 has been deleted and it is made clear that the spouse of the erstwhile deceased employee is also entitled to get family pension with effect from

the date of death of the erstwhile employee.

6. It is further contended that so far Rule 210 of the Rules, 1950 is concerned, the same is not independent rather it is to be read with Rule 209 which talks about special orders pension, other than wound and extraordinary pension is payable from the date on which the pensioners seized to be born on the establishment or from the date of his application, whichever is latter. The Rule 210 read with 209 has no application in the case of the petitioner, whose claim is confined to family pension.

7. On the other hand learned Advocate for the State dispelling the aforesaid contention submitted that the facts are admitted to the extent that her marriage was solemnized after the death of the first wife, when her husband has already superannuated. Considering the Government Letter No. 9961 dated 03.09.1996, the claim of the petitioner was found admissible and after proper consideration by the District Magistrate who is the competent authority, sanction order has been passed. Since an objection has been raised by the Accountant General with regard to date of extending the family pension, the same has been further considered by the Department and taking note of the Rule 210 of the Rules, 1950; family pension has rightly been extended to the petitioner from the date of the issuance of sanction order.

8. This Court has considered the submissions advanced by learned Advocate for the respective parties and also perused Letter No. 9961 dated 03.09.1996 and Rule 210 of the Rules, 1950, upon which heavy reliance have been placed by the State Government. On bare perusal of letter contained in Memo No. 9961 dated 03.09.1996, this Court is of the opinion that any clarification is not required with regard to admisibility of family pension in favour of spouses, of deceased employee, whose marriage has been solemnized even after the superannuation of such employee. This Court is unable to understand once the wife is found to be entitled for family pension, whose marriage was solemnized after retirement, as to how a fetter would have been imposed that the same shall be extended w.e.f the order of sanction, when there is no such stipulation in the Letter Dated 03.09.1996. Further Rule 210, of the Rules, 1950; only applies to the employee, who either failed to file formal application for sanction of pension or is granted long after his retirement. This rule has no application in the present case, as the husband of the petitioner had already been getting pension after his superannuation.

9. In view of the aforesaid legal position, this Court finds that the Memo No. 15015 dated 12.08.2025 to the extent whereby the petitioner has been extended family pension from

06.03.2025 is wholly unsustainable in law and fit to be quashed. Accordingly the same is hereby set aside.

10. The respondent no. 5 is directed to issue a fresh order extending family pension to the petitioner with effect from 15.12.2013, on the date the petitioner became entitled for receipt of family pension after death of her husband.

11. On receipt of the aforesaid letter, the Accountant General (A&E), Bihar, Patna shall forthwith issue authority letter in favour of the petitioner.

12. The entire exercise including payment of arrears of family pension and regular family pension must be completed preferably within a period of four weeks, from the date of receipt/production of a copy of this order, considering the fact that the petitioner has been deprived from the family pension since 14.12.2013.

13. The writ petition stands allowed.

**(Harish Kumar, J)**

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