
(2001) 02 JH CK 0009
In the Jharkhand High Court
Case No : CWJC No. 463 of 2000 (R)

Jairani Devi

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 05-02-2001

Acts Referred:

Citation : (2001) 02 JH CK 0009

Hon'ble Judges : S.N. Mishra, J

Bench : Single Bench

Judgement

S.N. Mishra, J.—The petitioner Smt. Jairani Devi, widow of the deceased employee was appointed on compassionate ground after the death of her husband. It appears that the family pension was being paid to the petitioner till October, 1999. However, since November, 1999 payment of dearness allowance on the family pension has been stopped on the ground that the dearness allowance on such pension is not admissible to the employee who has been appointed on compassionate ground. I have not come across with such law nor it has been pointed out by the counsel appearing on behalf of the State-respondent that the employee who has been appointed on compassionate ground is not entitled for dearness allowance while granting family pension. On the contrary, the resolution of the Finance Department being Resolution No. 6493 dated 30.10.1991 states that the dearness allowance is payable on the family pension also, as it appears from clause 4 of the said resolution. In that view of the matter, the respondent-authority including the Treasury Officer are directed to reconsider the matter in the light of the resolution aforesaid and release the family pension to the petitioner with effect from November, 1999 after taking into consideration the dearness allowance admissible to the petitioner. Having regard to the fact that the pension has been stopped from November, 1999, it is desirable that the authority should take final decision in the matter within three weeks from the date of receipt/production of a copy of this order. This disposes of this writ application.

2. Application disposed.