
(2001) 12 PAT CK 0062
In the Patna High Court
Case No : C.W.J.C. No. 6194 of 2000

Khaderan Singh @ Badaree Narain Singh	APPELLANT
Vs	
The State of Bihar and Others	RESPONDENT

Date of Decision : 14-12-2001

Acts Referred:

Citation : (2002) 1 PLJR 405

Hon'ble Judges : P.K. Deb, J

Bench : Single Bench

Advocate : Harendra Pratap Singh, for the Appellant;

Judgement

P.K. Deb, J.—Heard learned Counsel for both the parties.

2. This writ application has been filed with several claims. The father of the Petitioner Sri Nivas Singh was a constable in the Police Department and he died in harness while serving in the district of Hazaribagh in the year 1951. The mother of the Petitioner was granted family pension from 22.9.1977. But, although, death was in the year 1951 no Family pension was given to the mother of the Petitioner from 14.1.1951 to 21.9.1977. Moreover, basis of the Family pension has been revised where such Family pension is to be taken into consideration and the Respondent-authorities are duty bound to give revised pension to the mother of the Petitioner @ Rs. 375/- per month from 1.1.1986 till date of death on 31.8.1991 but the same has not been done. Moreover, further contention of the Petitioner is that G.P.F. and the gratuity amounts of the Petitioner has also not been paid.

3. A very short counter-affidavit has been filed by Respondent No. 7 the Suptd. of Police, Hazaribagh to the effect that it was the duty of the Treasury Officer, Arrah to give pension and he was making enquiry as to why revised family pension has not been granted to the mother of the Petitioner. It has been further stated that since 22.9.1977 life time Family pension was only applicable. But it is apparent that Family Pension came in force since 1950 itself, first of all it was

only for five years. Then it was extended to ten years and in 1976 it became life long. In any case the Petitioner's mother is entitled for family pension since 1951 as her husband died in harness. G.P.F. and gratuity amounts have not yet been paid which ought to have been paid. Moreover, the mother of the Petitioner has become stale by this time.

4. The Petitioner may make a representation before the Respondent No. 7 Superintendent of Police, Hazaribagh, within a period of six weeks alongwith a copy of this order. The Respondent No. 7 shall consider the representation and pass necessary orders within a period of six weeks next thereafter. If the representation of the Petitioner finds favour with him then necessary sanction order of the admissible amount may be passed within four weeks next thereafter and on such sanction order being sent to Respondent No. 5 he shall act on it and pass necessary payment order within four weeks next thereafter. Regarding the revised pension and the arrears thereof, the decision shall be taken by the S.P. concerned at his own end.

5. This writ application is disposed of accordingly.