
(2004) 08 PAT CK 0062
In the Patna High Court
Case No : M.J.C. No. 1679 of 2002

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

Date of Decision : 09-08-2004

Acts Referred:

Citation : (2004) 4 PLJR 326

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Advocate : Harendra Pratap Singh, for the Appellant; S. Alamdar Hussain for the State of Bihar, Mr. Shyam Kishore Sharma for the State of Jharkhand and Mr. Ajay Kumar Tripathi for the Accountant General, Bihar, for the Respondent

Judgement

Radha Mohan Prasad, J.—Pursuant to the order dated 5.8.2004, the S.P., Hazaribagh has personally appeared and a supplementary show cause on his behalf has been filed to which a copy of the sanction order dated 7th August, 2004 issued to the Accountant General, Bihar, Patna in compliance of the order of this Court passed in the connected C.W.J.C. No. 6194 of 2000 has been annexed as Annexure D. Considering the bona fide of the S.P., Hazaribagh, this Court does not feel inclined to proceed against him any further. The proceeding for contempt initiated against him vide order dated 5.8.2004 is hereby dropped.

2. However, having regard to the facts mentioned in Annexure D and also the fact that the learned counsel for the petitioner has failed to show that the widow/deceased Government servant was entitled for family pension with effect from 14.1.1951 to 21.9.1977 in view of the Government decision, referred to in the order (Annexure D), this Court finds it difficult to hold that the order of the Court has been violated by not making the payment of family pension for the period 14.1.1951 to 21.9.1977.

3. Learned counsel for the petitioner, however, contended that the widow was entitled for revised family pension with effect from 1.1.1986 till date of death i.e. 31.8.1991 with D.A. which has also not been paid.

4. Under such circumstances, as agreed, the M.J.C. application is disposed of with the direction to the Accountant General, Bihar to examine the said grievance and if the revised family pension with dearness allowance from due date has not been paid to the petitioner, necessary authority shall be issued and copy thereof shall be handed over to the learned counsel for the petitioner by Monday next (16.8.2004). As prayed by Mr. Tripathi, learned counsel for the Accountant General, Bihar and Mr. Sharma, learned counsel for the State of Jharkhand, let a copy of this order be supplied to them for compliance.