

(2008) 01 PAT CK 0014
In the Patna High Court
Case No : CWJC No. 8408 of 2002

Mostt. Saraswati Devi and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 08-01-2008

Acts Referred:

Citation : (2008) 2 PLJR 478

Hon'ble Judges : Mihir Kr. Jha, J

Bench : Single Bench

Judgement

Mihir Kr. Jha, J.—Heard Counsel for the petitioners and the State. The grievance of the petitioner-wife in this writ application who now has been substituted in place of the original writ petitioner, Late Bhagwan Lal Prasad is that a number of benefits to which her husband was entitled has not been paid. Such benefits have been enumerated in Schedule-1 to the writ application. Out of them, so far as the retiral benefits are concerned, they are only related to pension and rest are with regard to difference of salary, time bound promotion etc. This Court is not going to adjudicate as with regard to grievance of the original writ petitioner in respect of difference of salary, time bound promotion etc. which if at all admissible to him should be decided by the Authorities concerned in accordance with law. This Court, however, is not expressing any opinion as with regard to the aforementioned claims of the petitioner with regard to difference of salary and/or time bound promotion.

2. The fact, however, remains that the original writ petitioner who was appointed in the year 1960, died on 3.12.2004 and till his death, there were certain disputes with regard to the admissibility of his pension as a result of which he had been paid only 90 per cent pension till 30.12.2001. It is the claim of the petitioner No. 1 that her husband who retired on 31.1.1996 was never paid his full pension, and therefore, the respondents are duty bound to make payment of the full pension from February, 1996 to this date including the amount of family pension after the death of the husband of the petitioner No. 1.

3. On the other hand, from the counter affidavit filed by the respondents it appears that full payment of the pension of the husband of the petitioner No. 1 was authorized by the letter No. 178, dated 17.4.2007 as contained in Annexure-J. Such order came to be issued on the request of the District Malaria Officer, Siwan who had sent the service book of the husband of the petitioner No. 1 for revision of pension. From perusal of Annexure-K, the letter of the Office of the Accountant General, this much is clear that the pension originally fixed was revised to a sum of Rs. 3090/- with effect from 1.4.1997 and, therefore, if the payment of the same has not been made to the husband of the petitioner No. 1 or the petitioner No. 1 being the wife of the deceased employee, the same must be paid within a period of six weeks from the date of receipt/production of a copy of this order.

4. Similarly, the amount of family pension including arrears if not paid to the petitioner No. 1, must be paid to her within the same period. It is also made clear that if any dues on the head of pension on account of delay in fixation of final pension have remained unpaid, the same must be immediately addressed to and be decided in accordance with law with the benefit of consequential payment within the same period. With the aforementioned observations and directions, this application is disposed of.