
(2012) 04 JH CK 0190
In the Jharkhand High Court
Case No : W. P. (S) No. 4767 of 2009

Muniba Khatoon

APPELLANT

Vs

The State of Jharkhand and others

RESPONDENT

Date of Decision : 10-04-2012

Acts Referred:

Citation : (2012) 04 JH CK 0190

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : P. K. Pathak, for the Appellant;

Judgement

Aparesh Kumar Singh, J.—Heard learned counsel for the petitioner as well as learned counsel for the respondents. The claim of the petitioner in this writ petition is that the retirement benefits of her late husband, Hafizzudin Ahmad have not yet been paid although he had retired on 31.12.1998 from the post of Assistant Teacher from Urdu Middle School, Jakir Nagar, Azad Nagar, Jamshedpur. She has further prayed for a direction upon the respondents to fix family pension according to Rule of the Department.

2. A counter affidavit as well as supplementary counter affidavit have been filed on behalf of the respondent no.2 wherein they have categorically stated that the petitioner was appointed by the Managing Committee of the school on temporary basis and was confirmed by the said School Managing Committee on 01.08.1975. The said school is a Government Aided Minority School situated at East Singhbhum, Jamshedpur. They have further stated that vide Memo No. 26971 dated 21.01.1989, the approval of service of Late, Hafizuddin Ahmad was given by the then District Superintendent of Education, East Singhbhum, Jamshedpur against the sanctioned and vacant post of the matric trained scale and from that very date the payment of salary of petitioner's husband has been made by the State Government fund as per the norms. The petitioner's husband superannuated on 31.12.1998 and the request for grant of pension of the petitioner's husband was refused by the Accountant General on the ground that

he has not completed the required period of 10 years of service under Government as per the Bihar Pension Rules now adopted by Government of Jharkhand. Therefore, only gratuity amount of Rs. 14480/-was sanctioned and send to the Treasury Officer with a copy of D.S.E., Jamshedpur.

3. It is submitted on behalf of the respondents that since the husband of the petitioner was in government service from 1.4.1989 to 31.12.1998, therefore, he is not entitled to payment of pension as per the Rule 12 of the Jharkhand Pension Rules. Learned counsel for the respondents have further supported their stand by the statements made in paragraph nos. 5 and 6 of the supplementary counter affidavit as well.

4. In that view of the matter, as the rules do not permit for grant of pension of the petitioner's husband for having failed to qualify the minimum requirement of ten years of service under government, therefore, this Court cannot issue any direction in favour of the petitioner for payment of family pension on account of post retirement dues of her husband. However, the gratuity amount which has been sent to the Treasury Officer and D.S.E., Jamshedpur should be released in favour of the petitioner within a period of four weeks from the receipt of a copy of this order. With the aforesaid observations/directions, this writ petition stands disposed of.