

(2017) 11 PAT CK 0028

In the Patna High Court

Case No : 7645 of 2016

Ram Pyari Devi, W/o Late Paras Nath Singh

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 16-11-2017

Acts Referred:

Citation : (2017) 11 PAT CK 0028

Hon'ble Judges : Ahsanuddin Amanullah

Bench : SINGLE BENCH

Final Decision : Disposed off

Judgement

1. Heard learned counsel for the petitioner and State.

2. In view of the fact that the late husband of the petitioner was being proceeded against and even jailed in a criminal case on the allegation that he had defalcated Government money, an order was passed on the departmental proceeding, which was assailed by the petitioner in C.W.J.C. No. 19711 of 2011, in which a co-ordinate Bench of this Court by order dated 03.12.2013, did not interfere. However, it was observed that keeping in mind the punishment, whatever was legally due, be paid to the petitioner. Thus, when the order has already been tested and not interfered by the Court, payment of retiral benefits has been in terms of the said order. From the order passed in the departmental proceeding, it is apparent that no punishment has been awarded and only the amount defalcated by the late husband of the petitioner has been directed to

be adjusted. Thus, to that extent, even the late husband of the petitioner was entitled to 100% pension and thereafter the petitioner, who is his widow is entitled to 100% family pension. It is clarified that entitlement of the petitioner's late husband to 100% pension will not mean that payment has to be done of the amount which has been adjusted. The adjusted amount remains untouched. As the authorities have only calculated provisional pension and adjusted the alleged defalcated amount, the late husband of the petitioner is held entitled to the remaining pension which has not been paid to him or to the petitioner. The same be calculated by the authorities and paid to the petitioner within four weeks from the date of production of a copy of this order before the respondent no. 3. Further, the petitioner being held entitled to payment of 100% of family pension, the respondent no. 3 shall also ensure that the same is paid, if already not done.

3. The writ petition stands disposed off in the aforementioned terms.