
(2001) 06 JH CK 0019
In the Jharkhand High Court
Case No : CWJC No. 1495 of 2001

Samuel Soren and Another	Vs	APPELLANT
State of Jharkhand and Others		RESPONDENT

Date of Decision : 18-06-2001

Acts Referred:

Citation : (2002) 50 BLJR 2114

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Rajiv Ranjan Mishra, for the Appellant; R.N. Sahay, SC-I and Rabindra Prasad, JC to SC-I, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—This application has been preferred by the parents of late Sushanna Soren, for payment of family pension.

2. According to the petitioners, their daughter late Sushanna Soren was in services of Government and died in harness on 20th February, 1996, while working as Teacher in Government Primary School, Lat-bedha, Anchan-Shikaripara. The daughter being unmarried and the parents being de-pendent on her, were provided with gratuity and provisional family pension at the rate of Rs. 634/- per month, but since December, 1998 even the provisional family pension was withheld, in pursuance of the letter dated 24th December, 1998.

3. The letter numbering 847 dated 24th December, 1998 seems to have been issued by the Senior Accounts Officer, A.G. Bihar, Patna, to the District Superintendent of Education, Dumka giving a reference to the Finance Department's resolution dated 3rd October, 1964, stating that the father, in terms of such resolution is not entitled for family pension on the death of daughter and the provisional family pension, at the rate of Rs. 634/- per month, paid since 21st February, 1996, is not in accordance with law and, as such, It is recoverable from the gratuity, wherein, only Rs. 1000/- is left to be paid.

4. The District Superintendent of Education (respondent No. 2) in his counter

affidavit, has accepted that the Government of Bihar, from its Finance Department, issued letter No. 11656 dated 22nd December, 1999, wherein, under paragraph No. 5 (iv)(5) it was decided to pay family pension to the dependent, including the surviving parents, whose annual income does not exceed Rs. 2550/-. The said letter has been given effect from 1.1.1996 i.e. from a date, prior to the death of Sushanna Soren.

5. Having regard to the facts and circumstances, as the letter No. 847 dated 29th December, 1998 was issued prior to resolution dated 22nd December, 1999, in view of the subsequent decision dated 22nd December, 1999, the matter requires reconsideration.

6. The respondent District Superinten-dent of Education, Dumkam and the Accountant General, Bihar and Jharkhand, Patna are accordingly, directed to recalculate the family pension of the petitioners taking into consideration the revised scale of pay, to which their daughter late Sushanna Soren was entitled with effect from 1.1.1996 and pay the family pension within a period of six weeks from the date of receipt/production of a copy of this order.

7. The authorities will also calculate the gratuity and leave encashment amount, if any, in the revised scale, as allowed with effect from 1.1.1996 and pay the difference, if any, within the aforesaid period of six weeks.

8. The District Superintendent of Education. Dumka (respondent No. 2) will pay the cost of Rs. 500/- to the petitioners, in terms of the Court's order dated 30th May, 2001, within a week from the date of receipt/ production of a copy of this order.

9. The writ petition stands disposed of with the aforesaid observations and directions.

10. Petition disposed of.