

(2004) 03 PAT CK 0063
In the Patna High Court
Case No : L.P.A. No. 364 of 2004

Smt. Reeta Kumari Sinha

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 15-03-2004

Acts Referred:

Citation : (2004) 2 PLJR 530

Hon'ble Judges : Ravi S. Dhavarn, C.J; Shashank Kr. Singh, J

Bench : Division Bench

Advocate : Sunil Kumar Singh, for the Appellant; Dilip Kumar, for State, for the Respondent

Final Decision : Allowed

Judgement

1. The delay in filing the appeal is condoned.
2. This is a matter of grant of family pension. The issue is that the husband of the Petitioner-Appellant died in an encounter with extremists. He was a policeman. Regard being has to the circumstances of his death, the State granted his widow a higher amount of pension to mitigate the premature death and the tragedy in the duty of the State to be killed in a State where the law and order situation is questionable.
3. The issue is not of rules or regulations.
4. The grant of such pension basically at times is a political act. A promise made, acted upon and honoured is not to be retrieved subsequently because this is fooling a government servant and his family. Once the State had granted the widow a family pension and a little extra regard being had to the circumstances of the death further that payment was made year by year, to retract it would be a dishonourable act. The question is not of law. The State is estopped from retrieving its promise. There is no mischief, fraud or collusion in this matter.
5. Thus, the order of the learned Judge on the writ petition is set aside and the

appeal is allowed.