
(2002) 03 JH CK 0070

In the Jharkhand High Court

Case No : Writ Petition (S) No. 4979 of 2001

Smt. Sita Kuar

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 14-03-2002

Acts Referred:

Citation : (2002) 03 JH CK 0070

Hon'ble Judges : Tapen Sen, J

Bench : Single Bench

Advocate : S.B. Gadodia and Pankaj Kumar, for the Appellant; R.N. Sahay, for the Respondent

Judgement

Tapen Sen, J.—Heard learned counsel for the petitioner and Mr. R.N. Sahay, learned S.C.-I and with their consent this Writ Petition is being disposed off at this stage itself.

2. The counsel for the petitioner has stated that the school in which her husband used to teach is a taken over school with effect from 01.01.1971, According to him the provision for payment of Family Pension is applicable in the instant case.

3. Mr. S.B. Gadodia, learned senior counsel further states that in spite of the fact that a large number of representations have been filed before the authorities concerned, they have not yet decided this matter. He also relies upon a Judgment passed by the Hon"ble Patna High Court in the case of Smt. Sharda Devl v. State of Bihar and Ors., reported in 1996 (2) PLJR 470. Further case of the Petitioner is that her husband died in harness on 19.07.1972 i.e. after the school had been taken over.

4. The learned counsel for the Petitioner submits that his client is being unnecessarily harassed and therefore she is entitled to interest together with all other legal dues which were legally payable to her.

5. Mr. R.N. Sahay, learned standing counsel has stated that in spite of his best

effort he has not been able to obtain instructions in this case pursuant to the order dated 04.10.2001 and, therefore, he prays for an additional four weeks" time to seek instructions. However, in view of the nature of the order that this Court proposes to pass, no further time is necessary to be given. Accordingly, the Petitioner is given liberty to produce a copy of this order before the Respondent No. 2 along with copies of some of the representations that she has filed before one or other authorities. The Respondent No. 2 in turn, is directed to immediately and forthwith look into this matter, consider all aspects and pass a reasoned order in accordance with law within a period of four months from the date of receipt/production of a copy of this order.

6. The petitioner is further given liberty, if she so likes, to file a written Note of arguments for the convenience of the Respondent No. 2 enclosing therein photocopies of the Judgment or citations that she relies upon along with some of the representations that she has filed.

7. It goes without saying that if the Respondent No. 2 comes to the conclusion that the petitioner is entitled to payment, then in that event the said Respondent No. 2, at his own level, shall take all possible-steps so that payments are ensured and actually paid to the petitioner within one month thereafter.

8. Let a copy of this order be handed over to learned S.C.-I.

9. With the aforementioned observations and directions this Writ Petition stands disposed off.