
(2021) 03 PAT CK 0015

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 20784 Of 2018

Ratan Kumar

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision: March 2, 2021

Hon'ble Judges: Vikash Jain, J

Bench: Single Bench

Advocate: Binod Kumar Mishra, Uma Shankar Verma, Madhukar Mishra, Nivedita Nirvikar, Sudhanshu Shekhar

Final Decision: Disposed Of

Judgement

1. Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition--

âœ(i) To pay the family pension to the petitioner who is the only son of Late Chandrakala Devi for the period of 2001 to 2004 till at her

alive in the light of Bihar Finance Rule notification no.28619 dated 03.12.1960, which there is provision the mother and other family

members are entitled the family pension, of their relations, in the present case the late Chandrakala Devi mother of the petitioner is died in

2004, who had claims for family pension of her daughter Sabita Devi, who died during service so the petitioner being son of Chandrakala

Devi is also entitled for the family pension on above circular.

(ii) To hold the order of this Honâ€™ble High Court passed in C.W.J.C. No. 478 of 2017 by the Lok Adalat dated 10.02.2018 by which the

Lok Adalat passed an Award in terms of settlement relates to payment of family pension, dues to Chandrakala Devi mother of the petitioner

late Sabita Devi sister of petitioner who died in harness. In view of communication letter of Accountant General to District Education

Officer, Muzaffarpur for taking final decision on relevant documents and Government policy/Circular letter dated 04.04.2017. The State

Counsel submits that the final decision shall be taken within two months from today on the said decision the benefit which is required to be

extended to the petitioner shall be granted shall be next two months. Inspite of that the respondents fail to compliance the order passed by

Lok Adalat.

(iii) To any other relief/reliefs the petitioner is entitled to.â€

3. Learned counsel for the respondents invites reference to the Award of the Lok Adalat in CWJC No. 478 of 2017 (Annexure-5) in which it was

observed as follows:-

â€œAs agreed between the parties, learned counsel for the State submitted that a final decision shall be taken within two months from today

and depending on the decision taken, any benefit which is required to be extended to the petitioner shall be granted within the next two

months.â€

4. In this regard, it is pointed out that during pendency of the present writ petition, a final order has been passed in terms of memo no. 828 dated

12.08.2020 (Annexure-A to the counter affidavit) by the District Programme Officer, Muzaffarpur, holding that upon death of Late Savita Devi, the

family pension was admissible to her two daughters and not to her mother Smt. Chandrakala Devi. As such, the petitioner, who is the son of Smt.

Chandrakala Devi, was not entitled to the family pension.

5. In the above view of the matter and with the consent of the parties, the writ petition is disposed of, granting liberty to the petitioner to assail the

aforesaid order dated 12.08.2020 (Annexure-A to the counter affidavit), if so advised, before any forum as may be available in accordance with law.