

(2010) 04 PAT CK 0235

Patna High Court

Case No: CWJC No. 11114 of 2009

Kamta Singh

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision: April 13, 2010

Citation: (2011) 2 PLJR 699

Hon'ble Judges: Shailesh Kr. Sinha, J

Bench: Single Bench

Judgement

@JUDGMENTTAG-ORDER

Shailesh Kr. Sinha, J.

Heard learned Counsel for the Petitioner and the State.

2. The grievance of the Petitioner is that the father of the Petitioner retired as Assistant Sub-Inspector (Jamadar) from B.M.P. at C.T.S. Nath Nagar on 1.7.1962 and after his retirement he was drawing his pension under P.P.O. No. 52299 till he died on 8.6.1998. As after death of his father, the mother of the Petitioner was in Annexure-R/3 to the counter affidavit filed on behalf of the Treasury Officer, the matter shall be examined as per. law granted family pension. The mother of the Petitioner later on died on 24th December, 2003.

3. It is submitted on behalf of the Petitioner the pension payable to the father of the Petitioner was not correctly fixed as per the Govt. Resolution No. 11557 dated 22nd December, 1993 issued by the Department of Finance, Govt, of Bihar for the period 1971 to 31.3.1997, and as such, the Petitioner filed writ petition vide C.W.J.C. No. 10664 of 2004 for redressal of the aforesaid grievances which was disposed of alongwith some other writ applications by a common order dated 8.9.2004. Since the grievance of the Petitioner was not redressed despite the direction of this Court, Petitioner filed contempt application vide M.J.C. No. 1666 of 2005 which was disposed of on 14.2.2008 with liberty to the Petitioner to represent, his case before the concerned authority if still some grievance has remained to be considered and

further directed that in case such representation is filed the same be disposed of within the time indicated in the order.

4. Learned Counsel submits that pursuant to the liberty granted as aforesaid the Petitioner submitted his representation dated 7th April, 2008 (Annexure-3). The aforesaid representation was however received, but the Respondent No. 4 did not pass any order thereon. The Accountant General (Respondent No. 5) communicated the Petitioner as per the letter dated 29.5.2008 (Annexure-5) that no revision of family pension/pension is required without considering the points raised by the Petitioner in his representation.

5. Learned Counsel for the State submits that in case Petitioner represents the matter again after complying the necessary requirements as communicated to him in the letter of the Treasury Officer, Aurangabad (Respondent No. 6) vide letter dated 30th December, 2009 as contained

6. In the above circumstances, learned Counsel for the Petitioner submits that for expeditious disposal of the pending claims as highlighted in this writ application, Petitioner proposes to file a fresh representation before the Respondent No. 3 with necessary details as sought in the letter dated 30.12.2009 (Annexure-R/3).

7. In view of the above, in case such representation stating details of unpaid claims as also the copy of the relevant documents, if any, in support of the claim alongwith the certified copy of the present order is filed within a period of four weeks from today, the grievances of the Petitioner raised in the representation shall be considered and disposed of by a reasoned order in accordance with law expeditiously preferably within a period of four months on receipt of such representation. In case the representation of the Petitioner finds favour, the Respondent No. 3 shall simultaneously issue necessary orders communicating the Respondent No. 5 i.e. the Accountant General so that the Accountant General on receipt of such order may issue fresh authorization for payment after making necessary verification, if any. In course of such verification if the Accountant General finds any ambiguity the same shall be again informed to the Respondent No. 3 for its immediate consideration and compliance so that the matter may be considered afresh if required. However, the Accountant General on consideration finds no ambiguity the necessary authorization for payment in question be issued within a period of four weeks on receipt of the sanctioned order from the competent authority to enable payment of the admitted dues to the Petitioner with interest permissible under the rules.

8. The writ application stands disposed of with the above observations/di rections.