

Radha Devi Vs. the State of Bihar and ors

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Court : Patna

Decided On : May-12-2012

Appellant : Radha Devi

Respondent : The State of Bihar and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Civil Writ Jurisdiction Case
No.1694 of 2009 Radha Devi Versus The State Of Bihar & Ors

12. 01.2012 Both sides present. The husband of the writ petitioner while serving as Assistant Teacher retired w.e.f. 31.1.1988. He was in receipt of pension. Subsequently he died in the year 1995. The petitioner being the widow of the deceased employee is in receipt of family pension. Present application has been lodged seeking a direction upon the respondents to revise the family pension in view of the entitlement of the husband of the petitioner to a particular scale of pay w.e.f. 10.02.1982. Essentially it appears the petitioner is raising a claim with regard to the scale of pay which the husband of the petitioner was entitled to and thereafter to revise the family pension which is being paid to her. There is no dispute that she is in receipt of family pension. Learned A.C. to G.P.4 submits that in view of the grievance raised in the application the authorities would require to file a detailed counter affidavit for which an opportunity be granted to the respondents. Let counter affidavit be filed on behalf of the State respondents within 06 weeks. Post this matter within top 30 cases after 08 weeks. It will be

open to the respondent-Accountant General, in the meantime, to file counter affidavit, if any. (Kishore K. Mandal, J.) Sym

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