

IN THE HIGH COURT OF JHARKHAND, RANCHI

W.P.(S) No.3476 of 2019

Subansi Tirkey, age 57 years, wife of late Timothius Tirkey, at Bagaichatoli Tupudana, PO –R.K. Mission Sanatorium Hatia, District Ranchi, Jharkhand, Pin-835221 Petitioner

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1. Union of India, through Defence Secretary, Union of India
2. The Controller of Defence, Accounts Department, Patna, Rajendra Path, PO& PS-Kadam Kuan, Patna
3. The Principal Controller of Defence, Accounts Department (Pension) Draupadighat, PO & PS-Sadar Bazar, Allahabad-211014
4. Account Officer, ORS-Punjab Regiment Center, PO-PRC, PS-Ramgarh Cantt. Ramgarh, Jharkhand
5. SBI, Central Pension Processing Centre, 4th Floor, Admin Blog, Judges Court Road, Patna, Bihar
6. The Branch Manager, SBI Tupudana, Industrial Estate Branch, PO & PS- Hatia, Ranchi, Jharkhand Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner	:	Mr. Ravi Kerketta, Advocate
For the Respondent-UOI	:	Mrs. Bakshi Vibha, Advocate
For the Respondent-SBI	:	Mr. Ratnesh Kumar, Advocate

Order No. 4 : Dated 09th July, 2020

Heard Mr. Ravi Kerketta, the learned counsel appearing for the petitioner, Mrs. Bakshi Vibha, the learned counsel for the respondent -UOI and Mr. Ratnesh Kumar, the learned counsel appearing on behalf of the respondent-SBI.

2. This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have

complained about any technical snag of audio-video and with their consent this matter has been heard.

3. The petitioner has preferred this writ petition for a direction upon the respondents to forthwith release the family pension as per the direction of the Department of Principal Controller of Defence Accounts (Pension) and its pension account section to State Bank of India as the same has been stopped with effect from December, 2018.

4. The learned counsel for the petitioner submits that the petitioner is widow of late Timothius Tirkey who joined in Defence Service, Controller of Defence Account and he was appointed on 21.02.1974 and posted and retired on 30.11.2011 from the post of Senior Auditor, Pay Account office, O.R.S., Punjab Regiment Centre, Ramgarh Cantt., Ramghar, Jharkhand. The husband of the petitioner retired on 30.11.2011 and he was getting pension since 01.12.2011 and the husband of the petitioner died on 15.07.2017. The family pension PPO was issued in favour of the petitioner and paid family pension till November, 2018 @ Rs.30,668/- per month, however, with effect from December, 2018 the family pension of the petitioner was stopped which compelled the petitioner to file this writ petition.

5. Mr. Ratnesh Kumar, the learned counsel for the respondent-Bank submits that the requisite documents for starting the family pension due to which the family pension of the petitioner never commenced was not provided and that is why, the family pension has been stopped. He further submits that the family pension was not started, however, due to non-availability of any document in the bank, the pension of the deceased employee was continued till November, 2018 and when it came to the knowledge of the Bank that the deceased employee family has not completed the formalities for family pension and that is why the pension has been stopped with effect from December, 2018. He further submits that the petitioner was required to submit certain documents for family pension such as, photocopy of PPO in which the name of the petitioner is notified as family pensioner, Death Certificate of late Timothius Tirkey, Life Certificate of the petitioner, letter of undertaking duly certified by two account holders of the branch,

valid and proper address proof of the petitioner. The said letter for providing these documents was served on 10.10.2019 at the address of the petitioner but she was not found there. He submits that in that view of the matter the family pension has not started as yet.

6. In view of these facts, the petitioner is directed to approach the Branch Manager of State Bank of India, Tupudana Industrial Estate Branch, Ranchi with all the documents which has been indicated in this order which are required for starting the family pension within four weeks.

7. The respondent no.6 is directed that if the petitioner approaches the respondent no.6 within the aforesaid period, the respondent no.6 will do all the formalities and verify the credentials of the petitioner and if it is found that the family pension needs to be started, the same should be started within four weeks thereafter.

8. With the aforesaid observation and direction, the writ petition [W.P.(S) No.3476 of 2019] stands disposed of.

9. I.A. if any also stands disposed of.

(Sanjay Kumar Dwivedi, J.)

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