

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5537 of 2015

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Balbir Kumar Singh, son of Late Upendra Narayan Singh, resident of village + P.O.-Shakarpura, P.S. + District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Darbhanga Zone, Darbhanga.
4. The Deputy Inspector General of Police, Koshi Range, Saharsa.
5. The Superintendent of Police, Madhepura.
6. The District Magistrate, Madhepura.
7. The Accountant General, Bihar, Patna.
8. Nilam Devi, W/o Balbir Kr. Singh, Resident of Village Shakarpura, P.S. & Dist. Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.
For the State : Mr. Siddharth Shankar Pandey, AC to GP-24
For respondent no.8 : Mr. Sunil Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 23-06-2015 Learned counsel for the petitioner prays for and is allowed to implead Nilam Devi as respondent no.8 to this writ petition.

Heard learned counsel for the parties.

Having regard to the fact that the petitioner in the life of his first wife, namely, Nilam Devi, had entered into a second marriage and had submitted his pension papers by nominating the second wife as also joint photograph with only second wife, this Court does not find any error in the decision of the authorities to

withhold pension. The second wife will have no status in law and, therefore, the petitioner must revise the pension papers and produce the joint photograph with the first wife, whereafter, his claim for pension shall be examined and decided.

It goes without saying that if the petitioner has nominated his second wife in any other paper of retirement benefit including the provident fund, that also must be changed forthwith by the petitioner by nominating his first wife. The payment of any and other retirement benefit to the petitioner shall be made only after his first wife is nominated not only in the pension papers but also at all other relevant places.

It also goes without saying that once the petitioner does so, the claim for release of retirement benefit shall be processed decided and paid within a period of four months from the date the petitioner makes such nomination of his first wife and completes all the prescribed procedure for sanction and payment of his retirement benefit including pension and gratuity.

(Mihir Kumar Jha, J)

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