

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12549 of 2014

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Mosmat Shyam Sundari Devi Wife of Late Sidheshwar Prasad Resident of Village
and P.O.- Sarahan, P.S.- Pandarak, District- Patna, at present residing at Village
Karuamara, P.S. Cautham, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The District Magistrate, Khagaria.
3. The Engineer- in- Chief-cum- Special Secretary, Public Health Engineering Department, Bihar, Patna.
4. The Chief Engineer, Public Health Engineering Department, Bihar, Patna
5. The Executive Engineer, Public Health Engineering Division, Khagaria.
6. The Sub- Divisional Officer, Public Health Engineering Sub- Division, Khagaria.
7. The Mosmat Manju Sinha, Second widow of Late Sidheshwar Prasad, resident of Village Batuain, P.S- Pandarak, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 29-09-2015

Heard learned counsel for the parties.

The petitioner has moved the Court for grant of family pension, arrears etc.

Learned counsel for the State raises a preliminary objection and submits that this is the third attempt of the petitioner for the same cause and earlier CWJC No. 15489 of 2005 had been withdrawn on 12.09.2011 and later a second writ application being CWJC No. 15532 of 2012 was dismissed on 30.08.2012 as not maintainable. It is submitted that the relief sought being the same in the present writ application also, the present writ is not maintainable.

The Court finds substance in the contention of learned counsel for the State and accordingly the writ petition stands dismissed as not maintainable.

However, in view of the matter relating to grant of family pension to a widow, in view of the representation dated 01.05.2014 filed by her, copy of which has been made Annexure 11 to the writ application, the authorities shall take a final decision in the matter in accordance with law, within a period of three months from the date of production of a copy of this order, before the respondent no. 5.

(Ahsanuddin Amanullah, J)

Anjani/-

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