

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12483 of 2011

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Shanti Devi W/O Late Bishundeo Das R/o Mohalla.-Upraura, P..S- Biharsharif,
Distt.- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. The State Election Commissioner Bihar State Election Commission, Patna
3. The District Magistrate Nalanda at Biharsharif
4. The District Superintendent of Education Nalanda At Biharsharif
5. The Treasury Officer Nalanda at Biharsharif
6. The Block Education Officer Rahui, Distt.- Nalanda
7. The Accountant General, Bihar, Patna
8. Rita Devi W/o Late Shayam Narain Prasad R/o Vill.- Uprora, P.O.- Muraura,
P.S.- Biharsharif, Distt.- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Najmul Hoda, Adv.
For the State	: Mr. Shubhankar Sharma, Adv.
For the State Election Commission	: Mr. Sanjeev Nikesh, Adv.
For Private Resondent no. 8	: Mr. Vikash Kumar, Adv.
For Accountant General	: Mr. Raj Nandan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 01-09-2015

Heard learned counsel for the parties.

The writ application has been filed seeking death-cum-retiral benefits of the son of the petitioner who died during the panchayat election duty.

Learned counsel for the petitioner submits that her son who had got compassionate appointment on account of death of her husband also died in an accident during the course of the panchayat election duty and after that the entire family pension was taken by the petitioner's daughter-in-law without giving any share or support to her. It is submitted that at least the

daughter-in-law i.e., respondent no. 8 be directed to come and reside with the petitioner so that she being advanced in age is able to spend the rest of her life peacefully.

Upon notice issued to respondent no. 8, she has appeared and also filed a counter affidavit. Learned counsel appearing on her behalf refers to the counter affidavit and submits that after the death of the husband of the petitioner, she has been drawing family pension and thus it is wrong to say that she is dependant on the petitioner. It is further submitted that the daughter of the petitioner is also married and that she has agricultural land in her native place.

Though a rejoinder has been filed by the petitioner to the said counter affidavit but there is no denial of the fact that she is receiving family pension and that her daughter is married.

Upon considering the facts and circumstances of the case and submissions of learned counsel for the parties, this Court is not inclined to interfere in the matter as the petitioner herself is getting family pension of her late husband and thus it will not be proper and just that she be allowed a share in the family pension drawn by the widow of her late son also.

Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar/-

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