

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15636 of 2013

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Kamli Devi, wife of Late Asharfi Lal Sah, resident of Mohalla - New Zero Mile, Prakash Path Gali No. 1, Sitamarhi Road, P.S.- Ahahilayapur, District – Muzaffarpur.

.... Petitioner.

Versus

1. The Union of India through the Secretary, Human Affairs, Freedom Fighter Section, Khan Market, Lok Nayak Bhawan, New Delhi - 3
2. The State of Bihar through its Chief Secretary Bihar Patna
3. The District Magistrate, Muzaffarpur
4. The Branch Manager, Central Bank Of India, Motijheel Branch, Uma Market, District - Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Mahasweta Chatterjee, Advocate
For the Respondent/s : Mr. Sunil Kr. Mandal, SC-24
: Mr. Bipin Kumar, AC to SC-24
For the Bank : Mr. Ajay Kumar Sinha, Advocate
For the Union of India : Mr. Rajesh Kuamr Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

4 11-09-2015 Heard learned counsel for the petitioner and the respondents.

2. One Asharfi Lal Sah was the holder of Freedom Fighter Samman Pension. He used to receive pension both from Union of India and State of Bihar from Central Bank of India, Motijheel Branch, Muzaffarpur. On his death, on 15.08.2009, one Kamli Devi, Claiming to be his wife started receiving family pension, after opening a separate Bank account in the Central Bank of India, Motijheel Branch, Muzaffarpur bearing Account No. 1914359125. She continued to receive her pension till



November 2012. However, the respondent no.4 (Branch Manager of Central Bank of India, Motijheel Branch, Muzaffarpur) stopped the pension for the month of December, 2012 onwards on the ground that the name of wife of Asharfi Lal Sah was Monaka Devi and not Kamli Devi. The Bank sought from the petitioner a proof to the extent that Kamli Devi and Monaka Devi is the one and the same person. The Bank in support of his action, relied upon a self-declaration of late Asharif Lal Sah made in the year 1973 wherein the name of his wife is mentioned as Monaka Devi.

3. The petitioner submits that she is the wife of late Asharif Lal Sah and is also called as Monaka Devi. She submits that non-mentioning of alias name was an error in 1973 declaration, which would not come in the way of receiving of family pension.

4. The petitioner in support of her submission has annexed the identity card of the year 2006 and self-affidavit of Asharfi Lal Sah, dated 18.11.2002, pension identity card, certificate of the Circle Officer, the allotment letter with respect to grant of pension.

5. In view of the situation of the case, this Court directed the State to verify whether petitioner Kamli Devi and Monaka Devi are the one and the same person.

6. A counter affidavit has been filed on behalf of respondent no.3. Para 10 of the counter affidavit states that as per the report of Circle Officer, Monaka Devi and Kamli Devi are one and the same person. A genealogical certificate (Annexure-A) has also been annexed to the counter affidavit duly certified by the Circle Officer, Mushahari.

7. The Bank had earlier also sought a clarification from the State respondents whether Kamli Devi and Monaka Devi are the one and the same person by letters dated 21.05.2013 (Annexure- B Series to the counter affidavit).

8. Now that the counter affidavit is on record, the respondents should clarify the Bank that Kamli Devi and Monaka Devi are one and the same person expeditiously, preferably within a period of one month from today.

9. This application stands disposed of

(Samarendra Pratap Singh, J.)

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