

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18929 of 2011

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1. Lalmati Devi Wife Of Ram Chandra Manjhi Resident Of Village-
Matkhaua, P.O.-Paharpur, P.S. Garkha, Distt.-Chapra Saran).

.... Petitioner

Versus

1. The State Of Bihar.
2. The Director General Of Police, Bihar, Patna.
3. The Inspector General Of Police Darbhanga Zone, Darbhanga.
4. The Deputy Inspector General Of Police, Darbhanga Range, Darbhanga.
5. The Superintendent Of Police, Darbhanga.
6. Sri Ram Chandra Manjhi, The Dy. S.P. Posted In The Office Of The
D.I.G. Darbhanga Range, Darbhanga.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh

For the Respondent/s : Mr. K.P. Gupta Sc16

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 07-10-2015

Heard the counsel for the petitioner and the State.

A counter affidavit has been filed on behalf of the
respondent. No rejoinder thereto has been filed.

The petitioner claims herself to be the first wife of
respondent no.6 who served the respondent State as Dy.S.P. and
retired w.e.f. 30th of September, 2011. The case is that the husband
deserted her and started living with another lady . In this factual
background, the writ petition has been filed for directing the
respondents to pay 50% of the pension payable to respondent
no.6 to her. She has also prayed for a direction upon the
respondents to include the petitioner and her son, namely, Suresh
Kumar, as nominees in the pension document.

Along with the counter affidavit the pension papers of respondent no.6 has been enclosed wherefrom it appears the name of the petitioner and her son appear as nominees of the employee. Other documents have been enclosed to show that retiral benefits have been paid to the employee. The employee has the first right over the pension since it is not a case of family pension. If the petitioner has been deserted by her husband and is not maintained by him then she can seek maintenance from her husband. The prayer of the petitioner to include her name along with her son appears to have already been redressed since the employee in the pension document entered the name of the petitioner and her son as the nominees. This Court could have considered the case of the petitioner for granting some monetary benefits payable to the husband (respondent no.6) but it appears the husband has already retired from service and is getting pension.

In this view of the matter, the application is disposed of permitting the petitioner to approach the appropriate authority/forum for redressal of her grievance with regard to non payment of maintenance by her husband.

(Kishore Kumar Mandal, J)

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