

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6644 of 2013

1. Satni Devi, D/O Late Baldeo Pandit, wife of Sri Punit Pandit, resident of village- Lagma, P.S. Chautham, District- Khagaria

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Khagaria,
2. The S.D.O., Khagaria,
3. The B.D.O., Chautham, Khagaria,
4. The Treasury Officer, Khagaria,
5. The Branch Manager, State Bank Of India, Main Branch, Khagaria,
6. Siya Devi, wife of late Ramdeo Pandit, resident of village- Rupani (Karuwa) P.S. and P.O. Chautham, District- Khagaria,
7. Kailash Pandit, son of late Ramdeo Pandit, resident of village- Rupani (Karuwa) P.S. and P.O. Chautham, District- Khagaria

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha, Advocate

For the Respondent/s : Mr. D. K. Prasad, GP 7

Mr. K. K. Sinha, Advocate

Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL JUDGMENT

Date: 07-08-2015

1. The Petitioner seeks recovery of the freedom fighter family pension from respondent no.6, Siya Devi, in view of the order dated 11.06.2012 passed by the District Magistrate, Khagaria. By the said order, the District Magistrate, Khagaria, found that the respondent no.6, Siya Devi, had illegally received freedom fighter family pension from 01.08.1988 till 2011.

2. It appears that respondent no.6, Siya Devi, was admittedly the wife of late Baldeo Pandit, a freedom fighter. As Baldeo Pandit died in the year 1942, the respondent no.6, Siya Devi,

who was his widow, sought family pension from 1988.

3. The case of the Petitioner is that the respondent no.6, Siya Devi, after the death of her husband in year 1942, remarried Ramdeo Pandit in the year 1955, and as such, she forfeited all claims of freedom fighter family pension of late Baldeo Pandit. It is relevant to state here that Petitioner is the own married daughter of the respondent no.6-Siya Devi.

4. Earlier also, the Petitioner had filed writ application for stopping freedom fighter family pension to her mother vide CWJC No.9050 of 2010. The said application was disposed off with direction to the Home Secretary, Government of Bihar, Patna, to dispose of the application of the Petitioner for stopping pension to Siya Devi. The Home Secretary, Govt. of Bihar, found the claim of Siya Devi untenable in law. Freedom fighter family pension of Siya Devi was stopped.

5. The respondent no.5-State Bank of India has filed its counter affidavit in which it has expressed its inability to give the details of the money received by Siya Devi.

6. Counsel for the State submits that the Petitioner, who claims to be the daughter of Baldeo Pandit, would also be not entitled to freedom fighter family pension in the light of Annexure-A/1 to the counter affidavit since only unmarried daughter would be

entitled for family pension and her claim has been rejected.

7. In the facts and circumstances of the case, this Court does not want to pass any positive order in the matter.

8. However, it will be open to the authorities to take appropriate steps in accordance with law.

9. The writ application stands disposed off.

(Samarendra Pratap Singh, J)

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