

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18540 of 2011

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Lalmani Devi @ Lalmati Devi W/o Late Karu Singh R/o Village-Chhoti Tangraila,
P.S.-Naubatpur, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Department , Govt. of Bihar, New Secretariate, Patna.
3. The Director, Human Resources Department, Govt. of Bihar, New Secretariate, Patna
4. The District Education Officer, Jehanabad
5. The Accountant General, Bihar, Patna
6. Most Amlawati Devi W/o Late Karu Singh R/o Vill Chhoti Tangraila, P.S. Naubatpur, District-Patna

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Adv.
For the State	:	Mr. D.K. Sinha, Sr. Adv. Mr. Pramod Sinha, Adv.
For the Respondent no. 6	:	Mr. Manish Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-12-2015

Heard learned counsel for the parties.

Pursuant to order dated 11.12.2015, the respondent no. 4 is present in Court and files counter affidavit as well as show cause.

At the very outset, Mr. D. K. Sinha, learned Additional Advocate General No. 2, submits that in view of the Government circular dated 05.04.2010, the petitioner who is the sole person entitled for family pension has been granted the same and sanction order has been issued and after completing the formalities intimation has been sent to the Treasury Officer to make payment. In support of the same copies of various letters

have been brought on record.

In view of the aforesaid position where the petitioner being the first wife has now been granted 100% family pension in absence of any other eligible claimant, the grievance having been redressed, the writ petition stands disposed off.

Before parting, it has been brought to the notice of the Court that the petitioner has received all pensionary benefits of her late husband though admittedly there was a second wife and children from the second wife also, who having attained majority, may now technically not be entitled to family pension.

In view of the aforesaid, the Court would only observe that the petitioner would also not shirk from her responsibility of contributing to the expenses of children of the second wife since admittedly they are also the children of her late husband moreso in the background that she may have been paid the entire retrial dues but only in the capacity of a trustee and on behalf of all the heirs as per the succession law.

The personal appearance of respondent no. 4 stands dispensed with.

(Ahsanuddin Amanullah, J.)

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