

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16408 of 2015

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1. Premlata Devi @ Savitri Devi, wife of Late Anand Sharma, Resident of Village Gaudadh, Police Station Shahapur Patti, District Bhojpur.

.... Petitioner

Versus

1. The Bihar Vidhan Sabha, through its Secretary, Bihar, Patna
2. The State of Bihar through the Chief Secretary, Bihar, Patna.
3. Principal Secretary, Department of Finance, Bihar, Patna.
4. The Principal Secretary, Cabinet Secretariat, Bihar, Patna.
5. The Secretary, Parliamentary Affairs, Bihar, Patna.
6. The Accountant General, Bihar, Patna.
7. The District Magistrate, Bhojpur, Ara.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj, Advocate.
For the Respondent/s : Mr. D.K. Sinha AAG-2

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 01-02-2016 Heard the counsel for the petitioner and Mr. D.K.Sinha, Sr. Advocate, who has appeared on behalf of the respondent- Bihar Vidhan Sabha (for short ' the Vidhan Sabha').

Petitioner claiming herself to be the legally wedded wife of late Anand Sharma who was an Ex- Member of Legislative Assembly. Shri Sharma was getting pension on authorization from the respondent- Vidhan Sabha Secretariat. He died on 20-01-2003. The petitioner claiming herself to be the legally wedded wife of the aforesaid pensioner has claimed for grant of pensionary benefits (family pension).

It is stated that she is also known as Premlata Devi @



Savitri Devi. The identity card issued by the Election Commission of India (Annexure-3), however, shows her name as Shrimati Premlata Devi. It is stated that the petitioner would be entitled to the family pension as per the rule formulated by the respondent Vidhan Sabha on 11.6.2014. It appears that on a representation made to the Under Secretary to the Bihar Vidhan Sabha made few communication to the District Magistrate to verify the status of the petitioner. Some reports appear to have been submitted. However, contention of the petitioner is that her grievance for payment of family pension on account of death of her husband on 20-01-2003 has remained pending before the respondent- Vidhan Sabha.

Mr. Sinha, on instruction, states that because of the picture/photo which was affixed in the document furnished by the husband of the petitioner, a dispute has arisen as the picture pasted on the pension form by the late husband was of a different lady. In reply, counsel for the petitioner states that except the petitioner no one has staked claim before the respondent(s) including the Vidhan Sabha for grant of family pension on account of death of the ex- Member of the Vidhan Sabha namely Sri. Anand Sharma.

I have heard the parties. On going through the materials on record and after hearing both sides, what appears to

this Court that the matter regarding grant of family pension to the claimant /petitioner has remained undecided till today by the respondent- Vidhan Sabha. In the fitness of thing, the respondent- Vidhan Sabha ought to have decided the claim of the petitioner in accordance with law. Since the same has not till date been done, I am persuaded to dispose of the writ application by directing the Special Secretary, Bihar Vidhan Sabha to examine the said grievance of the petitioner on filing of a fresh application with all supporting documents along with a copy of this order and decide her claim in accordance with law, if not already decided, as quickly as possible, preferably within 02 months from such filing.

(Kishore Kumar Mandal, J)

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