

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.165 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 5420 of 2013
Along with
Interlocutory Application No.767 of 2015

Mustari Khatoon, wife of Late Md. Mustakim Khan, Resident of village - Salona
Pathan Tola, Police Station Bakhri, P.O. Bakhri Bazar, District – Begusarai.

.... Respondent - Appellant

Versus

1. The State of Bihar through D.M. Begusarai.
2. The Superintendent of Police, Begusarai.
3. The Sub-Divisional Officer, Bakhri, Begusarai.
4. The Circle Officer, Bakhri, Begusarai.
5. The Provident Fund officer, Begusarai.

... ... Respondents-Respondents

6. Najda Khatoon @ Najdar Khatoon, wife of Late Mustikim Khan, Resident of
village - Salona Pathan Tola, Police Station Bakhri, District – Begusarai.

.... Petitioner- Respondent

Appearance :

For the Appellant : Mr. Binay Kumar, Advocate
For the Respondents-State : Ms. Nutan Sharma, A.C. to G.A.-9

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 05-04-2016

Re. : Interlocutory Application No.767 of 2015

There is a delay of 38 days in filing the present Letters
Patent Appeal.

Keeping in view the averments made in the application, we

find that sufficient cause is made out for condonation of delay of 38 days in filing of the appeal. Consequently, the delay is condoned.

Interlocutory Application stands disposed of accordingly.

Re. : Letters Patent Appeal No.165 of 2015

The present Letters Patent Appeal is directed against an order dated 18th June, 2014 passed by the learned Single Bench of this Court whereby the writ petitioner and the present appellant, both wives of late Md. Mustikim Khan, were ordered to share the family pension in view of the Notification No.1549 dated 27th June, 2011 issued by the Government of Bihar.

The admitted facts, as noticed by the learned Single Bench, are that both the marriages were performed before late Md. Mustikim Khan got employment under the State as a Constable Dafadar. After the death of Md. Mustikim Khan on 21st of October, 2011, conflict arose between the appellant and the writ petitioner for the receipt of superannuity benefits. To meet the similar situations, a Notification was issued by the State Government on 27.06.2011 whereby, it was decided that in such a situation, both the wives shall share the amount of family pension in equal shares. Such is the direction of the learned Single Bench as well.

In view of the above, we do not find any error in the order passed by the learned Single Bench which may warrant interference in

the present intra-court appeal.

The Letters Patent Appeal thus stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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