

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.17586 of 2014**

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Tara Devi, wife of Late Suresh Chandra Upadhaya, resident of Village and P.O.- Rampur, Chhapkahiya, P.S. –Govindganj, District-East Champaran. At present resident of C/o Sujeet Kumar Mishra, Shanti Nagar, Supriya Cinema Road, in front of Motani Petrol Pump, Bettiah, District- West Champaran

.... .... Petitioner/s

Versus

1. The Bihar State Electricity Board, through its Chairman, Vidyut Bhawan, Bailey Road, Patna.
2. The Secretary, Bihar State Electricity Board, Bidyut Bhawan, Bailey Road, Patna.
3. The Superintending Engineer, Bihar State Electricity Board, Supply Division, Bettiah, West Champaran.
4. The Superintending Engineer, Bihar State Electricity Board, Supply Circle, Motihari, East Champaran.
5. The Chief Managing Director, North Bihar Power Holding Distribution Pvt. Limited (Bihar State Electricity Board), Bailey Road, Patna.
6. The Managing Director, North Bihar Power Holding Distribution Pvt. Limited (Bihar State Electricity Board), Bailey Road, Patna.
7. The Deputy General Manager, Area Board, Bihar State Electricity Board, Muzaffarpur.
8. The General Manager (Personnel), Area Board, Bihar State Electricity Board, Muzaffarpur.
9. The Executive Engineer, Electric Supply Division, Power House, Bettiah, West Champaran.
10. The Account Officer, Electric Supply Division, Power House, Bettiah, West Champaran.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Binay Kant Mani Tripathi, Advocate  
Miss. Ajita, Advocate  
For the Respondent/s : Mr. Vinay Kirti Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**ORAL JUDGMENT**

**Date: 06-05-2016**

Heard learned counsel for the parties.

Looking at the fact that there is a second wife and there are children from the second wife who have some legal right. The present petitioner is already being paid full family pension and has

settled other claims as well. In view of the same, the Court is reluctant to pass order for settlement of death-cum-retirement benefit in her favour at this juncture. No sooner the matter is decided by the Civil Court in the suit, which has been moved by the second wife and the progenies, the settlement will be made by the respondents under the head of death-cum-retirement benefit in accordance with the declarations so made.

Writ is disposed of with above liberty.

**(Ajay Kumar Tripathi, J)**

Vats/-

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