

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3077 of 2015

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Sahwani Devi, wife of Late Subalal Harijan, resident of Village- Dulalganj,
P.S. Amaur, District Purnia.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate , Purnea.
3. The Sub-Divisional Magistrate Bayasi.
4. The Officer-in-Charge, Amaur Police Station, Purnia.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate
For the State : Mr. P.K.Verma, AAG-3 with
Mr. Dr. Mankeshwar Tiwari, AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

5 30-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

It is evident that the stand in the counter affidavit that the petitioner is not entitled to family pension is contrary to the decision of the State Government in the matter; one of the Circulars pointed out by learned counsel for the petitioner is the Memo 300F dated 29.7.1980 in which it was decided that no such period would apply to a Government Servant who died while in service. In the present matter the husband of the petitioner had remained in Government service for more than seven years.

In the above circumstances, the writ application is disposed of with the direction to the District Magistrate, Purnea to examine the matter in accordance with law and ensure that family pension is paid to the proper person after examining the claim of the petitioner and the so-called second wife within a period of four months from the date of receipt/production of a copy of this order.

(Ramesh Kumar Datta, J)

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