

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19341 of 2015

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Bharti Devi W/o Late Arjun Das R/o Lallu Pokhar Kankar Ghat Road, P.S. Kasim Bazar, District – Munger.

.... Petitioner

Versus

1. Bihar State Power Holding Company Ltd., through Chairman - Cum - Managing Director 1st Floor, Vidyut Bhawan, Bailey Road, Patna 800001
2. South Bihar Power Holding Company Ltd. through Cum - Managing Director 1st Floor, Vidyut Bhawan, Bailey Road, Patna 800001
3. General Manager Cum Chief Engineer Pesu Region Patna 15
4. Electrical Superintendent Engineer, Electric Supply Circle Pesu West Patna 15
5. Electrical Engineer, Nutan Rajdhani (New Capital) Pesu West Patna 15
6. Accounts Officer, Electrical Supply Division Nutan Rajdhani (New Capital) Pesu West Patna 15
7. Kalawati Devi W/o Arjun Ram, D/o Huro Tanti r/o Kakandu Pattam, P.S. Muffasil, District - Munger

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha

For the Respondent/s : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 19-09-2016

Heard counsel for the petitioner and counsel for the respondents.

2. Petitioner is said to be the second wife of the erstwhile employee late Arjun Das who was a Lineman. The dispute has arisen because the first wife is back and she is claiming benefit of retiral dues as the rightful claimant of the erstwhile employee.

3. Whatever be the circumstances under which the employee married the present petitioner, the legal status of the petitioner is neither recognized nor approved under the Hindu

Marriage Act.

4. Since the erstwhile employee did so, the present petitioner the second wife in whose favour he wanted the post retiral dues to be settled, the second marriage itself should not be a matter of dispute. However, that will not help the petitioner to beget any advantage with regard to the settlement of post retiral dues. But if she has progenies then those progenies can claim through the legal guardian, share of the post retiral dues, from the respondents and the respondents will have an obligation to divide the pension and other benefits accordingly.

5. Writ is disposed of in terms of the above observation.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
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