

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13972 of 2017

=====

Sumitra Kunwar @ Sunaina Devi @ Sumitra Devi, W/o Late Surbanshi Ram @ Surbansh Ram, resident of Village- Babhangawan Katara, P.S.- Chenari, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Jehanabad.
4. The Accountant General, Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Jay Prakash Singh, Advocate
For the State	:	Mr. Sheo Shankar Prasad, SC 8
For the Accountant General	:	Mr. Vivekanand Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the petitioner; State and Accountant General.

2. The petitioner has moved the Court seeking the following reliefs:

“(i) For issuance of appropriate writ/order/direction to respondents to pay the family pension to the petitioner because Sunaina Devi @ Sumitra Devi @ Sumitra Kunwar is name of same lady. Petitioner’s name disputed by State Council without counter affidavit in previous writ petitioner, because above name is not same lady.

(ii) For issuance of appropriate writ/order/direction to quash the Letter no. 44



dated 30.03.2015, which is issued by S.P. Jehanabad.

(iii) For issuance of appropriate writ/order/direction for granting any other relief/reliefs for which the petition is found entitled.”

3. The undisputed facts are that the petitioner is the second wife of the deceased employee and on that ground alone family pension has been denied to her.

4. Learned counsel for the petitioner contended that the petitioner being the wife and the first wife having died, such disqualification would not apply in her case and she should be paid the family pension.

5. Learned counsel for the respondents submitted that the petitioner had earlier moved the Court in C.W.J.C. No. 20174 of 2013 and the Court had disposed off the writ petition directing the Superintendent of Police, Jehanabad to take a final decision, as it was a disputed fact. Pursuant thereto, an enquiry has been held and it has been found that the petitioner was the second wife and she had married after the employee had entered into service and, thus, the authorities, on the basis of the policy, not entitling the second wife to family pension, have rejected her claim.

6. Having considered the matter, the Court does not find



any fault or error in the stand of the authorities. As pensionary matters are governed by statutory provisions, the same not providing family pension to the second wife, no relief can be granted to the petitioner.

7. Accordingly, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	

