

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8211 of 2014

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1. Lakshami Devi wife of Late Shiv Nandan Paswan
2. Sanjay Kumar, minor son of Late Shivnandan Paswan, under the guardian ship of mother Lakshami Devi
Both resident of Mohalla Ambedkar Nagar, Barh, P.S.- Barh, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Patna
3. The District Project Officer (Establishment), Patna
4. The Circle Officer, Mokama
5. The Block Education Officer, Barh, P.S.- Barh, District- Patna
6. The Treasury Officer, Barh, Patna
7. The Accountant General, Bihar, Patna
8. Parwati Devi wife of Late Shiv Nandan Paswan
9. Rajiv Kumar son of Late Shiv Nandan Prasad
10. Aparna Kumari daughter of Late Shiv Nandan Paswan,
All resident of Mohalla Ambedkar Nagar, Barh, P.S.-Barh, District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate
: Mr. Avinash Kumar Singh, Advocate
For the Accountant General : Mr. Uday Kumar Advocate
For Respondent nos. 9 & 10 : Mr. Gajendra Kumar Singh, Advocate
For the State : Mr. Santosh Chandra Bhaskar, AC to GP-11

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 17-04-2017

The present writ application has been filed by the petitioners for payment of retiral benefits i.e., family pension, arrear of family pension and gratuity of late Shiv Nandan Paswan.

2. The claim of petitioner no.1 is that she is legally married wife of one Shiv Nandan Paswan, who superannuated on 31.10.2008 from service as an Assistant Teacher while working at Primary



School, Yusuf Garden Detwa Gosai, Barh and died on 18.08.2011. Learned counsel for the petitioner submitted that after the death of Shiv Nandan Paswan, the petitioner Lakshmi Devi is not being paid the admissible family pension.

3. A counter affidavit has been filed on behalf of respondent no.6, the Treasury Officer, Barh, Patna wherein it is stated that the Circle Officer, Mokama had submitted a verification report in which the petitioner no.1 has been shown as the second wife of late Shiv Nandan Paswan and one Parwati Devi (respondent no.8) has been shown as his first wife. It is submitted by the learned counsel for the State that under Bihar Pension Rules, 1950, a lady, who marries a married person during the life time of the wife, would not be entitled to receive family pension.

4. On the contrary, a counter affidavit has been filed on behalf of respondent nos. 9 and 10 in which a claim is made that the petitioner Lakshmi Devi is the only wife of late Shiv Nandan Paswan and respondent nos.9 and 10 are their son and daughter respectively.

5. From the pleading of the parties, it would be evident that several disputed facts have been raised in the present writ application, which cannot be determined in extraordinary writ jurisdiction. In that view of the matter, the writ application is disposed of with liberty to the petitioners to file succession case before the civil court of



competent jurisdiction and make their claim before the authority concerned after obtaining succession certificate.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.04.2017
Transmission Date	

