

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7092 of 2016

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Indu Devi, W/o Late Suresh Mohan Thakur, Resident of Village - Shasan, P.S. -
Hasanpur, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Primary Education Bihar, Patna.
2. The Director of Primary Education Bihar, Patna.
3. The District Superintendent of Education, District - Samastipur.
4. The Treasury Officer, Rosera, District - Samastipur.
5. The Accountant General Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Advocate
For the State	:	Mr. R. B. Prasad Yadav, A.A.G. 11 Dr. Sanjay Kumar Singh, A.C. to A.A.G. 11
For the Accountant General	:	Mr. S. M. Ehtisham, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 14-11-2017

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

2. The petitioner has moved the Court seeking a
direction for payment of family pension to her.

3. The petitioner herself claims to be the second wife of
Suresh Mohan Thakur, who was a Government employee and
superannuated in the year 1992 and also received his post retiral
benefits. During his life time, the first wife died on 02.03.2012 and



thus, the husband filed a petition before the authorities for substituting the name of his first wife with that of the petitioner. However, the authorities did not act on the same and in the meanwhile, on 11.08.2015, the employee also died.

4. Learned counsel for the petitioner submitted that she is the second wife and now when the first wife is dead, family pension should be given to her.

5. Learned counsel for the State submitted that in terms of the circular of the Finance Department of the State Government bearing No. P.C.-1-Misc.-41/92/10059/Vi., dated 06.09.1996, it is only the first wife who is entitled to family pension and thereafter the dependant minor children of both the wives can have a right on family pension but the second wife has been excluded from getting family pension.

6. Having considered the matter, the Court is unable to intervene for the reason that the policy of the Sate Government does not permit payment of family pension to the second wife. In the present case, admittedly, the petitioner herself claims to be the second wife and just because the first wife has died, her status will not change and she will not become the first wife, though she may be the only wife/widow now living.

7. In view of the aforesaid provision, no relief can be



granted to the petitioner and accordingly, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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