

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11955 of 2014

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Kripal Mahra son of Late Shiv Nath Mahra, resident of village- Ashok Nagar, P.S-
Jalalpur, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary-cum-Commissioner, Human Resources
Govt. of Bihar, Patna.
2. The District Primary Education, Govt. of Bihar, Patna.
3. The Accountant General, Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The District Superintendent of Education, Saran at Chapra
6. The District Education Officer, Saran at Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Rajani Kumari, Advocate
: Mr. Vijay Kumar, Advocate
For the Accountant General : Mr. Binod Kumar Labh, Advocate
For the State : Mr. Hemant Prasad Singh, A.C. to SC-15
: Mr. Avinash Kumar, A.C. to S.C.-15

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 13-04-2017

This writ application has been filed by the petitioner for
issuance of mandamus to the respondents to add name of his second
wife, namely, Hemanti Kunwar on Pension Payment Order in place of
his deceased first wife, namely, Manmati Devi.

2. The petitioner Kripal Mahra, who was a teacher in
Primary School, Pidari, P.S.-Jalalpur, District- Saran at Chapra retired
on 31st July, 2010. He received all his retiral benefits and is receiving
pension regularly. It is the case of the petitioner that after his
retirement his first wife Manmati Devi died on 24.10.2011 whereafter



he solemnized second marriage on 22.06.2013. The submission is that in spite of representation having been made to the respondents, they are not adding the name of the second wife of the petitioner on the Pension Paper Order in place of his deceased first wife as a result of which in case of his death the second wife would may not get the family pension.

3. *Per contra*, learned counsel for the State submitted that the writ application is misconceived. He submitted that in view of the decision of the State Government vide memo no.Pen-103/64-9505F dated 03.10.1964, a marriage after retirement is not recognized for the purpose of family pension scheme for the State Government employees.

4. I have heard learned counsel for the parties and perused the aforesaid memo of the State Government dated 03.10.1964 whereby family pension scheme has been introduced for the State Government employees of the State of Bihar. I find force in the submissions made by the learned counsel for the State. By the aforesaid decision, the State Government has resolved that marriage after retirement will not be recognized for the purpose of family pension scheme. In that view of the matter, if the respondents have not substituted the name of the second wife of the petitioner in place of the deceased first wife, no fault can be found with the action of the



respondents.

5. The writ application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.04.2017
Transmission Date	

