

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 21072 of 2014

=====

Nirmla Devi Wife of Late Bishwanath Singh, Resident of Village- Pakauli, P.O.-
Rajasan, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, the State of Bihar.
3. The Accountant General, Bihar, Patna, Birchand Patel Path Patna-1.
4. The Treasury Officer, Hazipur, Vaishali.
5. The Home Secretary, the State of Bihar.
6. The Director General, the B.M.P. State of Bihar.
7. The Commandent, B.M.P. the State of Bihar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-05-2017

Heard learned counsel for the petitioner. Nobody
appears for the State.

2. The petitioner has moved the Court seeking family
pension on the ground that she is the second wife of late Bishwanath
Singh, who passed away on 07.11.2010, after retirement.

3. Learned counsel for the petitioner submitted that she
was married to late Bishwanath Singh in the year 1981, though he
had a living spouse, but the matter was after taking consent of the
first wife, as she had no issue.

4. On a query of the Court as to whether Bishwanath
Singh was in service at the relevant time in the year 1981, the answer



is in the affirmative. Further, the query of the Court as to whether permission was taken of the authorities before second marriage took place, the answer is in the negative.

5. Having considered the matter, the Court finds that under the service law, an employee, who is already married has to take permission of the employer before second marriage and even if it is permissible under any law, it would not create a right in favour of the person marrying the second time when there is already a spouse alive, for seeking any benefit which the employer may give to its employee. In the present case, the law requires that permission has to be taken of the employer before marrying a second time, in the lifetime of the first spouse, and this not having been done, would not entitle the petitioner to family pension or make it obligatory on the part of the official respondents to grant such family pension.

6. For the reasons aforesaid, the writ petition stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	

