

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1331 of 2013

IN

Civil Writ Jurisdiction Case No. 15195 of 2012

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Ram Payari Devi Widow of Kapildeo Singh Resident of Village Mahrogoriya
Islampur P.O. Sadda P.S. Islampur District Nalanda

.... Appellant/Petitioner

Versus

1. The State Of Bihar
2. The Chief Secretary, Govt. Of Bihar , Public Health Engineering Department,
Vishwasaraiya Bhawan, Bailey Road, Patna
3. The Accountant General, the Govt. of Bihar Mahalekhakar Bhawan, Patna
4. The Senior Account Officer, Office of The Accountant General (A & E) 11,
Bihar, Patna
5. Geeta Devi Daughter of Rajeshwar Pd. resident of Village Pancchama P.S.
Bathani District Nalanda

.... Respondents/Respondent

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Appearance :

For the Appellant/s	:	Mr. J. S. Arora, Sr. Advocate Mr. Manoj Kumar, Advocate
For the State	:	Mrs. Nutan Sahay, AC to AAG-12
For the A.G.	:	Mr. Manish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 15-02-2017

The appellant was petitioner before the writ court.

She challenged grant of family pension to one Geeta Devi. She seriously contested the fact that she was legally wedded wife of late Kapildeo Singh who retired from service on 31.01.1992 from the post of Executive Engineer, Public Health Engineering Department. He died on 05.12.2010 and then the writ application was filed in the year



2012 when family pension was settled in favour of Geeta Devi.

Learned Single Judge has taken note of the fact that in the records of the department, specially the pension forms, name of Geeta Devi has been shown as wife with Kumar Neeraj and Kumar Dheeraj as his sons. If the authorities have gone by the available record and ordered payment of family pension, then they can not be faulted. However, learned Single Judge has given liberty to the appellant that she can get a declaration from a Civil Court of competent jurisdiction and claim the legacy of her ex-husband, which may accrue in her favour.

Such a direction can not be said to be inappropriate in any manner because the dispute of the kind can not be decided in a summary proceeding of Article 226 of the Constitution of India.

No interference is warranted with the order impugned in the appeal. The appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
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