

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12449 of 2015

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1. Najda Khatoon wife of Late Abdul Ahad resident of Village + Post Office - Betha, Police Station - Bela, District - Sitamarhi.
2. Naheed Raushan
3. Sanobar Khatoon
4. Nasrah Parween alias Nasrah Khatoon
5. Naushabh Trannum
Sl.Nos. 2 to 5 are daughters of Late Abdul Ahad.
6. Khairul Bashar son of Late Abdul Ahad
All residents of Village + Post Office - Betha, Police Station - Bela, District - Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar.
2. The District Magistrate, Sitamarhi.
3. The Accountant General, Bihar, Patna
4. The Superintendent of Police, Sitamarhi.
5. The Treasury Officer, Sitamarhi.
6. The Circle Officer, Parihar, District - Sitamarhi.
7. The S.H.O., Parihar Police Station, District - Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda
For the Respondent/s : AC to GP – 19
Mr. Ravindra Kr. Priyadarshi

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 24-07-2017 Heard Mr. Md. Shamimul Hoda, learned counsel for petitioners, learned A.C. to Govt. Pleader – 19 as well as Sri Ravindra Kumar Priyadarshi, learned counsel for respondent no. 3/Accountant General, Bihar.

The petitioner no. 1, second wife of deceased employee, has approached this Court, with a prayer to direct the respondents to dispose of her representation dated 21-08-2014 i.e.



Annexure – 6 to the writ petition, which was filed before the District Magistrate, Sitamarhi regarding grant of family pension.

It was admitted by learned counsel for petitioners that initially, after the death of husband of petitioner no. 1, the petitioner no. 1 was authorized for pension, whereas, the son of the first wife of deceased was provided employment on compassionate ground. However, subsequently, on query being made by the Treasury Officer, the Accountant General has issued an order dated 15-07-2011 (**Annexure – 4**) whereby, it was indicated that second wife is not entitled to get pensionary benefit, however; children of second wife, who have not attained majority, shall be entitled to get 50% of the pension amount. The said order has been assailed in the present writ petition besides making prayer for disposal of the representation of the petitioner no. 1.

So far as quashing of Annexure – 4 is concerned, the Court is in agreement with the order of the Accountant General, which categorically suggests that children of second wife are entitled to get 50% of the pension amount. Accordingly, there is no reason to interfere with Annexure – 4.

Learned counsel for petitioners requests that petitioner no. 1 may be allowed to file a fresh representation so that at least 50% of the pensionary amount may be given to her children, who



have not attained majority.

The prayer to this extent is allowed.

The writ petition is disposed of granting liberty to the petitioner no. 1 to file fresh representation before the competent authority regarding claim of 50% of the pensionary benefit in favour of her children, who have not attained majority till date. If such representation is filed within a period of six weeks from today, the Court expects that the respondent no. 2 i.e. District Magistrate, Sitamarhi may take appropriate decision on her representation preferably within a period of two months thereafter.

The writ petition stands disposed of.

(Rakesh Kumar, J.)

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