

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14454 of 2015

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Most. Shabana Khaton, Wife of Late Zaki Imam, Resident of Village Priyambarpur, P.O. +P.S. -Fatuha, District- Patna and presently residing at Mohalla Bhikhanpur Gumti No. 3, Tank Lane, P.S. Ishakchak, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Home, Government of Bihar.
2. The Director General of Police, Bihar Patna.
3. The Deputy Inspector General of Police,
4. The District Magistrate, Bhagalpur.
5. The Superintendent of Police Bhagalpur.
6. The Senior Superintendent of Police, Bhagalpur.
7. The Senior Superintendent of Police, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 27-11-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for the following reliefs:

“That this instant application is being filed for a writ of mandamus direction the respondents to pay the death cum retiral benefit and family pension to the petitioner within a fixed period”.

3. The controversy relates to whether the petitioner was the legally wedded wife of the deceased employee, as admittedly she was the second wife, but the stand was that in the year 2002, the first wife had died and in the year 2004, the petitioner had married the



deceased employee.

4. The Court had, thus, directed the authorities to conduct an enquiry for the purposes of which the matter was sent to the Forensic Science Laboratory for verifying the signatures but the same has been returned on the ground that at least eight samples were required, whereas the Department had sent only four sample signatures in English.

5. Learned counsel for the State submitted that as the investigation was taking time, the Senior Superintendent of Police, Bhagalpur under District Order No. 1905 of 2017 dated 18.11.2017 contained in Memo No. 304, has taken a decision to pay the pension to the petitioner, subject to the amount being recovered along with interest, if in future any discrepancy is found.

6. In view of the stand taken and materials brought on record, the writ petition stands disposed off with a direction to the respondent no. 6 to ensure that the order passed by him contained in Memo no. 304 dated 18.11.2007 is implemented and actual payment started to the petitioner latest within a period of one month from the date of production of a copy of this order before him.

7. It is made clear that as far as family pension is concerned, the petitioner being the only wife alive, she shall get the same in terms of the order of the respondent no. 6 dated 18.11.2017.



However, with regard to other retiral benefits, the authorities shall ensure that the same is paid, in accordance with law, to all the heirs, who may be entitled to it, as per their share.

(Ahsanuddin Amanullah, J.)

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