

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.701 of 2016
IN
Civil Writ Jurisdiction Case No. 1314 of 2014**

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Reshmi Sinha wife of Rabindra Prasad, residing in Flat No. 104, Rupa Apartment
Sainagar Road no. 06(C), Police Station - Gardanibagh, P.O. - G.P.O., District -
Patna.

.... Appellant/s

Versus

1. The State of Bihar through Secretary, Finance Department, Govt. of Bihar,
Patna.
2. The Accountant General, Bihar, Patna
3. The Chief Engineer Scheme and Monitoring Water Resources Department,
Patna.
4. The Deputy Secretary - 2, (Treasury Management) Water Resources
Department, Patna.
5. The Treasury Officer, Patna Sector, Irrigation Bhawan, Patna.
6. The Secretary, Water Resources Department, Sichai Bhawan, Patna Secretariat,
Bihar, Patna.

.... Respondent/s

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Appearance :

For the Appellant : Mr. Anil Kumar Choudhary, Advocate
For the State : Mr. Niraj Kumar, AC to GA-10

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-05-2017

Keeping in view the reasons indicated in I.A. No.2942 of
2016 for condoning the delay of one year 34 days and considering the
fact that after dismissal of Civil Review Case No.204 of 2015 on
13.01.2016, this appeal was filed immediately within 30 days on
22.02.2016. I.A. No.2942 of 2016 is allowed and the delay in filing of
the appeal is condoned.



In the matter of granting post retiral benefit to the petitioner after death of her husband, an employee, the learned Writ Court has dismissed the writ petition by holding that the marriage is not proved in accordance with law. There is no valid marriage certificate nor the succession certificate and, therefore, based on averments made in the writ petition, the question of entitlement of the petitioner to claim retiral benefit after death of late husband has been rejected as it was not established that petitioner was the legally wedded wife of the employee.

In doing so, we are of the considered view that the learned Writ Court has not committed any error. The petitioner should obtain a valid legal document, admissible under law for showing that she is a legally wedded wife of the employee and thereafter she may claim the benefit. Accordingly, finding no error with the order passed by the learned Writ Court, the appeal is dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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