

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4272 of 2016

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Jarina Sultan, Wife of Late Mohamad Sharif Khan, resident of Village- Yekawana,
Post Office- Yekawan, P.S.- Badahara, District- Bhojpur (Ara).

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Bihar, Patna.
2. The Accountant General Bihar, Office of the Accountant General (A & E), Bihar, Patna.
3. The Deputy Inspector General of Police, the Bihar, Military Police, K.M. Patna.
4. The Commandant, Bihar Military Police 03, Bodh Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra

For the Respondent/s : Mr. ABBAS HAIDER- SC16

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 10-08-2017

Heard Mr. Gopal Govind Mishra, learned
counsel for the petitioner, Mr. Avinash Shekhar, learned AC to SC-16
for respondent nos. 1, 3 and 4 and Mr. Dilip Kumar Jha, learned
counsel for respondent no. 2, A.G., Bihar, Patna.

The present writ application has been filed for a
direction to the respondent authorities for payment of family pension
to the petitioner along with consequential admissible benefits.

The husband of the petitioner, namely, Md. Sarif
Khan superannuated from the service of Bihar Military Police (BMP-
3), Bodh Gaya from the post of Hawaldar on 31.08.2010 and
subsequently, he died on 24.09.2014. The petitioner claims to be



legally wedded wife of late Md. Sharif and is having two children out of the wedlock. The relationship between the petitioner and late husband Md. Sharif got strained leading to filing of Maintenance Case No. 16 of 1990 wherein the learned Principal Judge, Family Court, Bhojpur at Ara directed for making payment of interim maintenance of Rs.400/- per month for maintenance of the petitioner and the two children. The said amount was subsequently revised vide order dated 22.02.2008 by learned Principal Judge, Family Court, Bhojpur at Ara, as contained in Annexure-1, whereby the husband of the petitioner was directed to make payment of Rs.1,800/- per month to the petitioner and Rs.1,000/- per month to the daughter of the petitioner since the son of the petitioner had become major at that time. Though, the husband of the petitioner challenged the order dated 22.02.2008 passed by learned Principal Judge, Family Court, Bhojpur at Ara in Criminal Revision No. 144 of 2009 which was disposed of vide order dated 28.02.2011 by a Bench of this Court, but the order dated 22.02.2008 was not modified. Subsequently, it was found that the husband of the petitioner, neither named the petitioner as nominee in the service book nor filed any application in this regard after his retirement.

Counter affidavit has been filed on behalf of respondent no. 4, Commandant of BMP-3, Bodh Gaya from which it



appears that, after the death of the husband of the petitioner, one Mini Khatoon also submitted an application for grant of family pension before respondent no. 4, Commandant of BMP-3, Bodh Gaya. Subsequently, the petitioner submitted an application dated 13.02.2015 before respondent no. 4, Commandant of BMP-3, Bodh Gaya admitting the relationship of her husband with Mini Khatoon. Thereafter, respondent no. 4, Commandant of BMP-3, Bodh Gaya sought guidelines with regard to family pension from Inspector General of Police, Bihar, Patna and as per the guidelines received, respondent no. 4, Commandant of BMP-3, Bodh Gaya issued Memo Nos. 2175 and 2176 dated 27.10.2016 with a direction to the petitioner and Mini Khatoon, respectively, to furnish documents with regard to payment of family pension.

In the background of the aforesaid facts, the counsel for the petitioner agrees for disposal of the writ application directing respondent authorities, particularly, respondent no. 4, Commandant of BMP-3, Bodh Gaya to decide the issue of family pension within a reasonable time frame.

Counsel for the petitioner submits that the petitioner is ready to submit the documents within a period of six weeks from today.

Accordingly, this writ application is disposed of



with a direction to respondent authorities to finalize the issue of family pension within a period of six weeks after submission of the documents by the petitioner and Mini Khatoon.

(Dinesh Kumar Singh, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.08.2017
Transmission Date	NA

