

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2087 of 2016

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Renu Devi, wife of late Kaushal Ram, resident of New Yarpur, Janta Road,
Gautam Nagar, P.O.- G.P.O., P.S.- Gardanibagh, Distt.- Patna

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Labour, Govt. of Bihar, Patna (Bihar)
2. The Labour Commissioner, Govt. of Bihar, Vikash Bhawan, Patna- 1
3. The Canteen Manager, Old Secretariate Canteen, Patna
4. Janki Devi W/o late Kaushal Ram R/o Jamunapur , Chaiya Tola, P.O. Modhomil, P.S Malsalami, Patna City, Distt Patna.

.... Respondents

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with

Civil Writ Jurisdiction Case No.15365 of 2016

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Most Janki Devi, W/o- Late Kaushal Ram, R/v- Jamunapur, Chain Tola,
P.O.- Madhomill, P.S.- Malsalami, Distt- Patna.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Labour, Government of Bihar, Patna.
2. The Labour Commissioner, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
3. The Canteen Manager, Old Secretariat, Canteen, Labour Department, Government of Bihar, Patna.

.... Respondents

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Appearance :

(In CWJC No.2087 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey with
Mr. Rajiv Krishna Bariar, Advocates

For the State : Mr. Maruth Nath Roy, AC to S.C.4

For Respondent No.4 : Mr. Vijay Kumar Sinha, Advocate

(In CWJC No.15365 of 2016)

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the State : Mr. Gautam Kumar Yadav, AC to G.P.26

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

6 06-10-2017 Heard learned counsels for the petitioners and learned



counsels for the State.

Both the writ applications have been filed by the widows of Late Kaushal Ram, claiming to be legally wedded wives, for payment of retiral benefits of Late Kaushal Ram, including pension.

From the pleadings of both the writ applications it appears that there is rival claim that they are lawfully claiming the post retiral dues of Late Kaushal Ram and it further appears that there is serious dispute as to the claim which cannot be decided in writ proceeding.

From the materials available on record it appears that post retiral benefits have been granted in favour of Most. Janki Devi, writ petitioner of CWJC No. 15365 of 2016, and writ petitioner of CWJC No.2087 of 2016 claims that she is the first wedded wife of Late Kaushal Ram and, as such, she is entitled to all the post retiral dues, including pension and the authorities have committed error in granting such benefits in favour of Most. Janki Devi.

In view of serious dispute of fact as to who is the legally wedded wife or who is first wife of Late Kaushal Ram, this Court is not in a position to issue any specific direction to the respondents. Under compelling circumstances, parties are



relegated to Civil Court where they seek declaration as to who is the first wife and on such declaration the authorities concerned will proceed and make further payment of post retiral dues. So far minor children of Late Kaushal Ram are concerned, irrespective of whether they are born from the first marriage or second marriage, they are entitled to payment of pensionary benefits in terms of Bihar Pension Rules. The authorities concerned are directed to see that minors in terms of Bihar Pension Rules are paid the pensionary benefits until they attain the age prescribed under the Bihar Pension Rules. Needless to say that further payment of pensionary benefits, including regular pension will abide by the decision of the competent civil court.

With the aforesaid observation, both the writ applications are disposed of.

(Anil Kumar Upadhyay, J)

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