

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2363 of 2017

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1. Sanyukta Devi, Wife of Late Bharat Narayan Singh, resident of Village-Shakarpura, P.S. & District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Deptt. Govt. of Bihar, Patna.
2. The District Magistrate, Madhepura.
3. The District Education officer, Madhepura.
4. The District Programme Officer (Establishment), Madhepura.
5. The District Treasury Officer, Madhepura.
6. The Branch Manager, State Bank of India, Branch- Singheshwar, District-Madhepura.
7. The Accountant General, Bihar, Patna.
8. Gita Devi, Wife of Late Bharat Narayan Singh, D/o Late Tejnarayan Singh, at present C/o Jitendra Kumar Singh, Resident of Village- Panchgachhiya, Ward No. 6, P.S. Bihra, District- Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.
For the State : Mr. Prabhakar Jha-GP27
For Respondent No.6 : Mr. Kaushlendra Kumar Sinha, Adv.
For Respondent No.7 : Mr. Rabindra Kumar Priyadarshi, Adv.
For Respondent No.8 : Mr. Abhay Kumar Singh No.1, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 28-07-2017

This writ application has been filed by the petitioner with a prayer to issue a writ in the nature of mandamus directing the respondents to grant her family pension with all consequential benefits being the first legally wedded wife of one Bharat Narayan Singh, who died on 22.11.2016 as a retired Government teacher.

2. The case of the petitioner is that her husband Bharat Narayan Singh had joined as assistant teacher in the Government



Primary School. He superannuated on attaining the age of retirement on 31.12.1994 while working on the post of Head Master in the Middle School, Shakarpura. He was regularly getting his pension till his death on 22.11.2016. After his death, the respondent no.8 being the second wife of Late Bharat Narayan Singh has claimed for release of family pension in her favour.

3. Learned counsel for the petitioner has submitted that the petitioner did file a representation before the respondent no.6 not to grant family pension to the respondent no.8 as she is the second wife of the deceased employee. He has submitted that the petitioner has also represented before the District Programme Officer (Establishment), Madhepura for releasing the family pension in her favour.

4. Respondent No.8 has contested the matter. A counter affidavit has been filed on her behalf in which it has been stated that she is the only legally wedded wife of late Bharat Narayan Singh. It is also stated that since the respondent no.8 was made nominee in the service book, after the death of Bharat Narayan Singh, she is receiving family pension according to the pension payment order prepared in the year 1995.

5. Learned counsel for the respondent no.8 has submitted that the writ petitioner is unnecessarily trying to harass and humiliate



the respondent no.8 by filing repeated representations before the State Bank of India and the District Programme Officer (Establishment) claiming herself to be the legally wedded wife of late Bharat Narayan Singh. He has submitted that the petitioner has claimed for family pension for the first time after the death of the Government employee and her name was never ever entered in the service book of the deceased employee.

6. I have heard learned counsel for the parties.
7. Looking to the facts of the present case and the nature of dispute raised in the present writ petition, the writ petition is disposed of with a direction to the petitioner to file an application before the competent court for succession certificate impleading respondent no.8. If such an application for succession certificate is filed, the competent court shall take all efforts to dispose of the same as early as possible. In case the petitioner succeeds in the succession case, she shall file representation before the authorities claiming family pension in her favour.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03-08-2017
Transmission Date	

