

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1548 of 2016

In
Civil Writ Jurisdiction Case No.22676 of 2011

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1. Kunti Kunwar, Wife of Late Bhagwan Ram
2. Rakesh Kumar, Son of Late Bhagwan Ram Both are residents of
village- Basdiha, P.O.- Baradih, P.S.- Kargahar, District- Rohtas
... .. Appellants

Versus

1. Aashmuni Kunwar, Wife of Late Bhagwan Ram
2. Priyanka Kumari
3. Neha Kumari, both are minor daughters of Late Bhagwan Ram under the
guardianship of their mother, namely, Aashmuni Kunwar
4. Deepak Kumar
5. Badal Raj, both ar minor sons of Late Bhagwan Ram under the guardinship of
their mother, namely, Aashmuni Kunwar All are residents of village Basgiha,
P.O.- Baradih, P.S.- Kargahar, District Rohtas. At present residing at Mohalla-
Khilanganj, P.S.- Sasaram, District- Rohtas
6. The State of Bihar
7. The Area Development Commissioner-cum- Director, Sone Command Area
Authority, Sone Bhawan, Bihar, Patna
8. The Secretary, Sone Command Area Development Agency, Sone Bhawan,
Bihar, Patna
9. The Assistant Director, Sone Command Area Development Agency,
Aurangabad, Daudnagar, District Aurangabad
... .. Respondents

Appearance :

For the Appellant/s : Mr. Jitendra Prasad Singh
For the Respondent/s : Mr. Naresh Dikshit

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

5 12-01-2018 Heard counsel for the appellant and counsel for Sone
Command Area Development Agency.

We do not find any infirmity in the order dated 01.07.2016
passed by the learned single Judge holding that the children,
who are minor from the so-called second wife, are equally
entitled to family pension and benefits of post retiral dues on the



death of the employee.

There is a dispute before a civil Court as to the status of the second wife, who was also a petitioner before the writ Court, but she has not been extended any benefit by the learned single Judge and further the relief which has been granted is subject to the outcome of the Title Suit No.758 of 2009, which further has been directed to be disposed off within six months. No interference is warranted with the impugned order.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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