

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8323 of 2018

Most. Kusum Devi @ Kusum Devi, Wife of Late Jay Lal Sah, resident of Village- Ward No. 11, Dostiya Tola, Police Station- Sonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Water Resources Department, Bihar, Patna.
3. The District Magistrate, Sitamarhi.
4. The Chief Engineer Flood Control and Water Resource Department, Muzaffarpur.
5. The Superintending Engineer, Shirsh Work Circle, Bagmati Nagar, Sitamarhi.
6. The Treasury Officer, Sitamarhi.
7. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Thakur, Advocate
For the State	:	Mr. Deepak Sahay Jamuar, AC to AAG-4
For the AG	:	Mr. Uday Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 04-12-2018

Heard learned counsel for the petitioner and learned counsels appearing for the State and the Accountant General, Bihar, Patna.

2. Petitioner, who is the 2nd wife of late Jay Lal Sah, claims family pension. It is submitted that family pension was sanctioned in favour of 1st wife but before such disbursement she died and now only the 2nd wife survives. He submits that vide letter No. 39 dated 17.01.2017, as contained in Annexure-6, the respondent Superintending Engineer has forwarded the representation of the petitioner for grant of family pension to the 2nd wife.



3. However, learned counsel for the State submits that the distribution of retiral benefits was on the written undertaking of the 1st wife and as per the resolution of the Finance Department vide Memo No. 1549 dated 27.06.2011 family pension has to be distributed between the two wives if the 2nd marriage has been solemnized after giving information to the authorities. In the present case, no such proof of information has been produced by the writ petitioner, wife of late Jay Lal Sah.

4. Considering the facts and the nature of claim made, this writ application is disposed of with a direction to the petitioner to file a fresh representation before the respondent no. 4 along with letter of the Superintending Engineer, Flood Control Circle, Sitamarhi dated 17.01.2017, as contained in Annexure-6, which will be considered and a reasoned order would be passed by the respondent no. 4 within a period of four months from the date of receipt of such representation, which would be communicated to the petitioner by registered post. If any amount is payable, the same would be paid to the petitioner without any delay.

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.12.2018
Transmission Date	NA

(Nilu Agrawal, J)

