

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18894 of 2016

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Most. Pavitry Devi W/o Late Karu Gope, Resident of Village+P.O.- Konandpur,
P.S.- Pakari Barawan, District- Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Nawada.
2. The Sub Divisional Officer, Sadar Nawada.
3. The Treasury Officer, Nawada.
4. The Deputy Collector, Land Reforms, Sadar Nawada.
5. The District Programme officer, Establishment, Nawada.
6. The Circle Officer, Pakari Barawan, Nawada.
7. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar Sinha, Advocate
For the State	:	G.P. 17
		Mr. S. K. Ranjan, A.C. to G.P. 17
For the A.G.	:	Mr. Kumar Priya Ranjan and
		Mr. Niraj Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 03-08-2018

Heard learned counsel for the petitioner; State and
Accountant General.

2. The petitioner has moved the Court for the following
reliefs:

*“That this writ petition has been filed for
issuance of an appropriate order/s, direction/s
including a writ preferably in the nature of
Mandamus commanding and direction upon the
respondents to make the payment of family pension to
the petitioner with statutory and penal interest
whichever is applicable in the facts and
circumstances of the case.*

*Further the respondents may also be directed
to consider the claim of payment of family pension to
the petitioner whose husband died and she happens*



to be the second wife and first wife has also died earlier and also taking into consideration that children born from first wife are also residing with the petitioner having no objection if payment is made.”

3. The petitioner claims to be the second wife of late Karu Gope, a Government employee, who retired as an Assistant Teacher on 28.02.1999 and thereafter passed away on 06.07.2011.

4. Having considered the matter, the Court does not find any merit in the writ petition. In terms of the policy of the State Government which governs the field, a second wife is not entitled to any family pension which is payable only to the first wife and in the event, there is a second wife, children from the second wife till the age they attain majority, in which case, the family pension is divided half between the first wife and the minor children of the second wife. In the present case, the claim of the second wife of the deceased employee for family pension is not maintainable.

5. Accordingly, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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