

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17435 of 2016

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Raj Devi, Wife of Late Vishwanath Sharma, Resident of Village- Bishambharpur,
Ward No. 10, P.O.- Sutihar, P.S.- Derni, District- Saran, Chapra.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Home, Patna
2. The Director General of Police, Government of Bihar, Patna
3. The Inspector General of Police, Darbhanga
4. The Deputy Inspector General of Police, Koshi Division, Saharsa
5. Superintendent of Police, Madhepura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 27-07-2018

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for the following

reliefs:

“That this is an application for issuance of an appropriate writ in the nature of certiorari for issuance of writ in the nature of certiorari for quashing the letter contained as Letter No. 902 dated 12.05.2016 issued by Superintendent of Police, Madhepura whereby the claim of the petitioner for payment of family pension has been refused and for issuance of writ in the nature of mandamus direction to Respondent to make payment of arrear of family pension since November 2015 as well as regular family pension to the petitioner as the petitioner’s husband namely Vishwanath Sharma who was the retired employee in Respondent’s office, died now.”

3. The petitioner claims to be the second wife of



Vishwanath Sharma, Writer Constable who retired as Sub Inspector of Police on 31.12.1995 and thereafter died on 30.10.2015.

4. Learned counsel for the petitioner submitted that she along with her two children being dependant on her late husband, family pension be given to her.

5. Learned counsel for the State submitted that pension being a statutory right is governed by the policy of the State Government. It was submitted that family pension not being payable to the second wife and though payable to the minor children from the second wife, in the writ petition it has been stated that at the time of death of the husband of the petitioner, the children were major.

6. Thus, in view of the aforesaid factual background, the Court finds that no relief can be granted to the petitioner.

7. Accordingly, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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