

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9604 of 2017

Manju Devi widow of Late Krishnadeo Prasad resident of Mohalla -
Kanhaiya Chowk, Jitwarpur (Infront of Chauth Gas Godown) P.S. Samastipur
Muffasil, District Samastipur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Muzaffarpur.
4. The District Treasury Officer, Muzaffarpur.
5. The Accountant General (A & E), Bihar, MAHALEKHAKAR BHAWAN, Bir
Chand Patel Path, Patna.
6. Most. Jais Prasad, so-called wife of late Krishna Deo Prasad resident of
Bhola Chowk Jail Road, Puchhi - Sarai, P.S. Town, District Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shyama Nand Thakur
For the Respondent/s	:	Mr. Partha Sarthi -Ga4
For Accountant General	:	Mr. Bindhyachal Rai

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-12-2018

Heard learned counsels for the parties.

The present writ application has been filed for
a direction to the respondent authorities to make
payment of family pension to the petitioner who claims
to be legally wedded wife of the deceased employee
namely, late Krishnadeo Prasad who superannuated
from the post of Sub Inspector of Police.

The factual matrix of the case is that late
Krishnadeo Prasad joined police service on 11.2.1960
and superannuated from the post of Sub Inspector of



Police on 1.1.1998. From 1.1.1998 he drew his pension. The said late Krishnadeo Prasad died on 20.3.2017. Thereafter, for the first time, the petitioner submitted an application claiming family pension on 3.5.2017 before the Respondent No. 3, Superintendent of Police, Muzaffarpur.

From the counter affidavit filed on behalf of Respondent No. 3, it appears that late Krishnadeo Prasad, at the time of retirement, submitted Form 3 and Form 4 wherein he mentioned his wife's name as Joyas Prasad (respondent no.6). This is admitted case of the petitioner that in the service book of the deceased employee the wife's name has been recorded as Joyas Prasad and she is being paid family pension. However, from the counter affidavit filed on behalf of Respondent no. 3 it appears that an enquiry has also been ordered.

In view of the belated claim of the petitioner based on disputed question of fact, the same cannot be decided by this Court in the present writ proceeding as the same requires leading of evidence which can only be decided through a proper suit by competent Civil



Court.

Accordingly, this writ application is disposed
of with a liberty to the petitioner to avail the
appropriate remedy at appropriate forum.

(Dinesh Kumar Singh, J)

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