

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.788 of 2017

In
Civil Writ Jurisdiction Case No.6661 of 2015

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Meera Devi @ Meera Srivastava, wife of Late Swaroop Lal Srivastav,
resident of Line Bazar Police Station- Khazanchi Hat, District- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Health, Government of Bihar, Patna.
2. The Accountant General (A & E-II), Bihar, Patna.
3. The Chief Medical Officer, Sadar Hospital, Purnea.
4. The District Magistrate, Purnea.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Gopal Kumar Jha, Advocate
For the Respondent/s	:	Mr. S.D. Yadav- AAG9
		Mr. Prem Ranjan Kumar, A.C. to AAG-IX

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-03-2018

Delay in filing of the appeal is condoned. I.A. No.
8790 of 2017 stands allowed and disposed of.

Appellant is second wife of the deceased employee late Swaroop Lal Srivastava who was working as a Driver in the Government hospital, Purnea. After his retirement on 31st of January, 1997 husband of the appellant was granted pension. After his death, his first wife one Sunaiyana Devi was receiving the pension and after her death on 16.11.2010, when family pension was not being paid to the appellant, the second wife of



the deceased employee, the writ petition was filed.

The learned Writ Court found that in view of the subsequent circulars of the Government of India and the policy the second wife who is married during the life time of the first wife is not entitled to pension and only her children would be entitled to pension, has refused to interfere into the matter.

As the judgment rendered by the learned Writ Court is based on the Government policy and circulars, we find no error in the same warranting reconsideration. Appellant's children who are entitled to family pension, may claim it in accordance with law.

With the aforesaid liberty, the Letters Patent Appeal stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
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