

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16196 of 2016

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Malti Devi, wife of Devlas Prasad, resident of Usri Shikarpur, P.O. Usri, P.S. Shahpur, Danapur, District, District Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Bihar
2. The principal Secretary, Home Departmental, Bihar, Old Secretariat, Patna
3. The I.G. Jail, Bihar, Old Secretariat, Patna
4. The Director of Probation Services, Bihar, Patna
5. The Principal Probation Officer, Patna, Danapur Jail, Patna
6. The Treasury Officer, Patna
7. The Accountant General, Bihar, R-Block, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amaresh Kumar Sinha, Advocate
Mr. Pankaj Majjorwar, Advocate
For the Respondent/s : Dr. Mankeshwar Tiwari, AC to AAG-3
For Accountant General : Dr. Anand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 20-07-2018

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

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

“ For a direction upon the concerned
respondents to pay the petitioner arrears of family
pension since the date of death of her husband i.e.,
from 24.05.2008 as well as the current family
pension on month to month basis which has not
been paid the respondent authorities and it is
further prayed that the petitioner be paid interest @



18% on all admitted dues, to be calculated from the date of dues to the actual date of payment.”

3. The undisputed position is that the petitioner claims to be the second wife of Devlas Prasad, who was a Government employee and is now dead.

4. The law being clear that pension is a statutory right and the statute being very clear that family pension is not payable to the second wife, the petitioner cannot claim such benefit as a matter of right. Thus, this Court is unable to intervene in the matter as the claim is not payable under law. Moreover, pursuant to the order, the petitioner earlier moved the Court in C.W.J.C. No. 9909 of 2006, which was disposed off by order dated 22.11.2010, by which a decision was required to be taken by the authority on the claim of the petitioner. Such decision has been taken by the Inspector General, Prisons and Correctional Services, Bihar, Patna, on 15.09.2017. Copy of the same has also been personally received by the petitioner in September, 2017. The reason given in the order are based on a valid legal position of law. Further, the Court may note that a rejoinder has been filed on behalf of the petitioner affirmed on 10.07.2018, but there is not even a whisper with regard to the order dated 15.09.2017. Thus, the petitioner is also guilty of suppression of relevant facts before the Court.



5. For reasons aforesaid, both on merits and for such conduct, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J)

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