

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6282 of 2019

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Bibi Sahidan W/o Late Enamul Haque Ansari, resident of Village Basdih
Gawanadri, Police Station Bheldi, District Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources
Department, Patna.
2. The District Education Officer, Saran at Chapra.
3. The Block Education Officer, Garkha, Saran at Chapra.
4. The Accountant General, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dharendra Singh, Adv.
For the State	:	Mr. Rajeev Ranjan, AC to GP-20
For the AG	:	Mr. Mani Kant Mishra, Adv.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 18-06-2019 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel appearing on behalf of
the Accountant General, Bihar, Patna.

Petitioner in the present writ application prays for
payment of full family pension being the second wife of late
Enamul Haque Ansari who retired as an Assistant Teacher from
Janki Nagar Middle School, Garkha, Saran on 31.01.1997 and
died on 24.08.2016. The first wife Bibi Moffian was issueless
and the erstwhile employee contacted second marriage with the
petitioner. The first wife died on 02.07.2007. The erstwhile
employee late Enamul Haque Ansari had earlier moved this
Court for apportionment of his pension between his two wives



and after the death of the first wife the name of the petitioner be entered in the relevant record including pension book as wife of the late employee for purpose of retiral benefit in C.W.J.C. No. 1844 of 2013 which was decided on 10.09.2013 with a direction to the authorities to enter the name of the petitioner in the service book for purpose of retirement benefit. Learned counsel for the petitioner submits that she is the only surviving wife and as such is entitled to entire retiral benefit including full family pension which is not being paid to her.

A counter affidavit has been filed by the State stating therein that the issue of full payment of family pension has been sent to the office of the Accountant General, Bihar, Patna vide letter dated 451 dated 27.04.2019 as contained in Annexure-A for settlement of the issue.

Fact is that the petitioner is the only surviving wife of the erstwhile employee, the first wife having died in 2007 without any issue.

Considering the same, since the second marriage of the erstwhile employee with the petitioner is not in dispute, the petitioner is entitled to full family pension as per her entitlement which would be processed and paid to her by the respondent no. 2, the District Education Officer, Saran at Chapra within a



period of six weeks from the date of receipt/production of a
copy of the order.

Writ application is disposed of accordingly.

(Nilu Agrawal, J)

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