

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4136 of 2018

Ashok Kumar Mishra son of Late Krishna Ballabh Mishra, Resident of Sanjay Nagar (Shiv Gali) near Gandhi More, P.O.- R.S. Gaya, P.S.- Delha, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Human Resources Development, Government of Bihar, New Secretariat, Patna
3. The Director (Secondary Education), Government of Bihar, Budh Marg, Patna.
4. The District Education Officer, District- Jehanabad.
5. The District Program Officer Establishment, District- Jehanabad.
6. The Treasury Officer, Jehanabad, District- Jehanabad.
7. The Treasury Officer, Gaya, District- Gaya.
8. The Manager, Punjab National Bank, Branch- Dhami Tola, District- Gaya.
9. The Manager, Punjab National Bank, Branch- Bairagi, District- Gaya.
10. The Accountant General (A and E), Bihar, Patna.
11. Smt. Bimlesh Kumari Mishra @ Most. Bimlesh Kumari Mishra @ Bimlesh Kumari, so called 2nd wife of Late Krishna Ballabh Mishra, resident of Mohalla- Janta Colony, Bairagi, P.O.- R.S. Gaya, P.S.- Delha, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Nityanand Mishra, Advocate
For the State	:	Mr. Vinay Kumar Mishra, AAG-15
For the PNB	:	Mr. Kumar Priya Ranjan, SC
		Mr. Niraj Kumar, Advocate
For the AG	:	Mr. Rabindra Kumar Priyadarshi
For Respondent No. 11	:	Mr. Madhu Prasun, Advocate

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 23-04-2019

Heard learned counsel for the petitioner, learned counsel for the State, learned counsel for the Accountant General, Bihar, Patna, learned counsel for the Punjab National Bank and learned counsel appearing on behalf of Respondent No. 11.



2. The present writ application has been filed for payment of family pension to the mother of the petitioner Mostt. Indrawati Devi from May 2014 to 09.12.2017 i.e. from the date of death of late employee i.e. Krishna Ballabh Mishra who retired from the post of Assistant Teacher from upgraded Murlidhar High School, Jehanabad with effect from 30.11.1998. The late employee died on 15.05.2014 and late Indrawati Devi, mother of the petitioner died on 09.12.2017. Petitioner claims family pension in favour of Mostt. Indrawati Devi between the said period being the first wife of the late employee.

3. It has been submitted by the learned counsel for the petitioner that Respondent No. 11 is also claiming to be the wife of the late employee in whose favour family pension earlier granted was stopped by the District Programme Officer, Jehanabad to be issued in favour of mother of the petitioner on 27.02.2017 as contained in Annexure-8. Thereafter PPO was also issued in favour of the mother of the petitioner by the office of the Accountant General dated 23.03.2017 as contained in Annexure-9 and a letter had also been issued by the Senior Accounts Officer, Gaya vide letter No. 834 dated 05.08.2017(Annexure-10) to the Branch Manager, Punjab National Bank, Dhamitola, Gaya but still payment has not been made. He refers to Annexure-12 to the writ



application wherein name of the petitioner's mother Indrawati Devi has been recorded in the column of nominee in the GPF account of the late employee.

4. Learned counsel appearing on behalf of private Respondent No. 11 strenuously opposes the prayer of the petitioner stating therein that even during the lifetime of the late employee Respondent No. 11 has been shown to be the wife of the late employee. He refers to Annexure-A to the counter affidavit wherein in the pension papers the name of Respondent No. 11 figures. He submits that Form-A i.e. nomination for gratuity and in the form of nomination for family pension the name of Respondent No. 11 figures, which has also been certified by the late employee. He also disputes the family genealogy which was obtained by said Mostt. Indrawati Devi as contained in Annexure-G series i.e. letter No. 57 dated 29.08.2014 which he submits that on enquiry it has been found to be a fake document.

5. However, considering the rival submissions of the parties, since the matter relates to disputed questions of fact, this Court would not necessarily adjudicate such matters. This writ application is, accordingly, disposed of with liberty to the petitioner to obtain a succession certificate regarding the claim of



his mother Mostt. Indrawati Devi from a competent court of civil jurisdiction.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2019
Transmission Date	NA

