

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14182 of 2019

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Rita Devi W/o, Bhikham Ram, R/o Village- Mohanagani, P.S. Muffassil, Bettiah, District- West Champara., at present Mohalla- Jamadar Quarter of Officer, Block B.M.P.- III, Tekna Farm, Bodh Gaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the D.G.P., Bihar, Patna.
2. The D.I.G., B.M.P., Bihar, Patna.
3. The Inspector General of B.M.P., Bihar, Patna.
4. The Commandent, B.M.P.III, Tekuna, Farm, Bodh Gaya, District- Gaya.
5. The Treasury Officer, Gaya.
6. The Accountant General, Bihar, Patna.
7. Bhikham Ram, Son of Sadai Ram, Resident of Village and P.O. Mahanagani, P.S.- Bettiah, District- East Champaran, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kapil Deo Singh
For the Respondent/s	:	Mr.Manish Kumar (GP-4)
		Mr. Ajay Kumar, A.C. to G.P.-4
For the A.G.	:	Mr. Shiv Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-07-2019 The present writ petition has been filed by the petitioner, stating to be the legally wedded wife of one Bhikham Ram, who retired from his services on 31.05.2019 from the post of Inspector, B.M.P.-III, Tekuna Farm, Bodh Gaya.

The petitioner has prayed for grant of 75 % of the retiral benefits due to be paid to her husband on the ground that the husband of the petitioner is living separately and her husband is not providing for her maintenance.



I have heard the learned counsel for the parties and gone through the materials on record and I find that the present writ petition is not only misconceived but also ill-advised inasmuch as though the petitioner herein is entitled to maintenance, support and shelter from her husband but filing of the present writ petition is not a remedy and her remedy lies elsewhere i.e. before a court vested with the appropriate jurisdiction under the appropriate provisions of law. In fact, the learned counsel for the petitioner has also failed to show any provision of law in the Bihar Pension Rules, so as to entitle the petitioner for either grant of a share in the pensionary benefits of her living husband or grant of family pension during the life time of her husband.

Having regard to the facts and circumstances of the case and for the reasons mentioned herein, the present writ petition is dismissed, being not maintainable, in its present form.

(Mohit Kumar Shah, J)

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