

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4412 of 2018

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Sunita Devi wife of Late Ram Sagar Mandal Resident of Village - Ratansara,
P.S. Ghoghardiha, District – Madhubani ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
 2. The Executive Engineer, Western Embankment Division Nirmali, District Supaul.
 3. The Treasury Officer, Jhanjharpur, District - Madhubani.
 4. The Accountant General (A & E), Bihar, Patna ... Respondents
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Appearance :

For the Petitioner : Mr./s R.K. Jain & Ajay Kumar Jain, Advs.
For the State : Mr. Vikash Kumar, SC XI
For the AG : Mr. Shiv Kumar, Adv.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 04-01-2019 Heard the learned counsel for the petitioner, the learned counsel appearing for the State as well as the learned counsel appearing for the Accountant General, Bihar, Patna.

The writ petition has been filed by the wife of late Ram Sagar Mandal, who retired from service on 31.12.2004, pension was sanctioned and in the Pension Payment Order the name of the first wife, Gujari Devi, was entered. The retired employee, Ram Sagar Mandal, died on 05.01.2015 and the first wife died on 20.04.2007. Now, the second wife claims family pension, which was sanctioned by Pension Payment Order, dated 12.08.2010, as contained in Annexure 4 to the writ application.

A counter affidavit has been filed by the State on behalf of respondents 1 and 2 stating therein that as per the Executive Instructions, as contained in Annexure "C" to the counter affidavit, which is Memo No. PC-1-Misc.-



41/92/10,059/V, dated 06.09.1996, the second wife is not entitled to family pension if the marriage has been solemnized during the life time of the first wife.

This Court had passed the order in the case of **Most. Manorma Devi Vrs. the State of Bihar & Ors.** Since reported in **2001(4)PLJR, 275** that the second wife is entitled to full family pension after the death of first wife. Petitioner submits that even bank account has been opened in the joint name of the deceased employee and the petitioner for which the extract of the bank pass book is enclosed as Annexure 9 to the writ application.

Considering the submissions of the parties, this writ application is **disposed off** in the light of the order passed in the case of **Most. Manorma Devi** (supra). The respondent authorities are directed to make payment of family pension to the petitioner within a period of three months from the date of receipt/production of a copy of this order.

(Nilu Agrawal, J)

Shamshad/-

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