

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19724 of 2019

Menka Kumari, aged about 46 years, Female, Wife of Late Shrawan Kumar,
Resident of Village-Kutauth, Police Station-Barbigha, District-Sheikhpura.

... .. Petitioner/s

Versus

1. The Union of India through the Chief Post Master General, Bihar Circle, Patna.
2. The Post Master General, East Region, Bhagalpur.
3. The Postal Superintendent, Munger Division, Munger.
4. The Accounts Officer, Office of the Post Master General, East Region, Bihar, Patna.
5. The AAO/Pension, G.P.O. Campus, Patna.
6. Renu Devi, Wife of Late Shrawan Kumar, Resident of Village-Kutauth, P.S.- Barbigha, District-Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manish Gupta, Advocate

For the Respondent/s : Mr. S. D. Sanjay, Addl. S.G.

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-09-2019

Heard Shri Manish Gupta, learned counsel for
the petitioner and Shri S.D. Sanjay, learned Additional
Solicitor General for the Union of India.



2. Learned counsel for the petitioner, relying on the case of *Purushottam Kumar @ Puroshattam Kumar Vs. The State of Bihar & Ors.*; 2005 (3) PLJR 458, has come-up questioning the correctness of the impugned order of the Central Administrative Tribunal, Patna Bench, Patna (*hereinafter referred to as the Tribunal*) dated 26th July, 2019, whereby the claim of a share in the terminal benefits of a deceased employee of the Postal Department has been denied, holding that in the absence of any statutory Rules to that effect, a lady claiming herself to be the second wife and her children are not entitled to any such benefit, keeping in view the fact that the wife of the deceased employee is a lawful claimant.

3. The Tribunal has also observed that in the event any such claim is being set-up on the basis of some settlement having been arrived at between the parties, the enforcement thereof can only be effectuated through the judicial intervention of the Civil Court.

4. Having considered this submission raised, we find no error much less a legal error in the impugned order



of the Tribunal and we, accordingly, dismiss the writ petition without prejudice to the rights of the petitioner to stake her claim or seek any such declaration from the Court of competent jurisdiction.

5. The petition stands dismissed.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

Praveen-II/Shageer

AFR/NAFR	NAFR
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