

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19229 of 2017

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1. Asha Devi and Anr widow of Late Ram Pukar Singh.
 2. Bali Ram Kumar Singh, son of Late Ram Pukar Singh, Both Resident of Village- Bhatahan, P.S.- Sheyampur Bhatahan, District- Sheohar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Sheohar.
3. The District Education Officer, Sheohar.
4. The District Programme Officer, Establishment Sheohar.
5. The District Treasury Officer, Sheohar.
6. The Accountant General, Bihar, Patna.
7. Roop Jhari Devi, wife of Late Ram Pukar Singh, Resident of Village- Bhatahan, P.S.- Sheyampur Bhatahan, District- Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Anisur Rahman, Advocate
For the Respondent/s	:	Mr.Madhaw Prasad Yadav -GP 23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 03-07-2020 Heard learned counsel for the petitioner and the State.

On 29.5.2020 this Court after perusing the counter affidavit filed on behalf of the respondents directed the respondents to file further affidavit on the issue 'whether the petitioner No. 1 had joined the wedlock with the deceased employee after consent of the employer or not' as the second wife is entitled to pension in terms of the Finance Department letter dated 27.6.2011. The Court also held out that minor son of



the second marriage is entitled to family pension and directed the respondents to consider the claim of petitioner no. 2 for grant of family pension from the date of death of the government employee i.e. 3.9.1998 till he becomes 21 years of age, but no counter affidavit has been filed indicating the payment in terms of the order dated 29.5.2020.

Considering the aforesaid fact situation, the writ petition is disposed of with the direction to the District Education Officer, Sheohar to take appropriate fresh decision with regard to claim of the petitioners and if it is found that the petitioner no. 1 has joined the wedlock after the consent of the employer of the deceased employee, then the family pension is admissible to petitioner no. 1, second wife of the deceased employee, in terms of the letter of the Finance Department dated 27.06.2011. Similarly, the minor son of the deceased employee petitioner no. 2 is also entitled to family pension from the date of death of the deceased employee i.e. 3.9.1998 till he becomes 21 years of age. The entire exercise with consequential benefits must be completed by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order and whatever monetary benefit is admissible, the same must be paid within the same time frame failing which



the petitioners would be entitled to 9% interest from the date of filing of the writ petition till the date of actual payment.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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