

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19493 of 2016

Masomat Tribeni Devi Wife of late Jibanand Jha Resident of Mohalla-
Maharajganj, P.S.- Madhubani, District Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Accountant General, Bihar, Patna.
3. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
4. The District Magistrate, Madhubani.
5. The Divisional Commissioner Darbhanga, Division Darbhanga.
6. The District Education Officer, Madhubani.
7. The Account OfficerKosagar, Education Depatt, Madhubani.
8. The District Programme Officer Establishment, Madhubani.
9. The Block Development Officer, Rahika Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Gagan Deo Yadav, Advocate
For the State	:	Mr.Madhaw Pd. Yadav- Gp23
For A.G.	:	Mr. Raghwanand, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 28-05-2020 Heard learned counsel for the petitioner and the respondents.

Learned counsel for the petitioner submits that the petitioner is the second wife of late Jibanand Jha. The first wife of Jibanand Jha died on 24.4.2015. The husband of the petitioner died on 14.1.2016. After the death of his first wife, the petitioner being the legally 2nd wedded wife, is entitled for family pension.

Learned counsel for the respondents relying on the



resolution of the Finance Department No. 1549 dated 27.6.2011 would submit that the second wife is given pension provided the second marriage was performed after obtaining consent of the Department. The petitioner was requested to provide the relevant documents showing consent of the Department for second marriage but the petitioner has not submitted the same.

Learned counsel for the petitioner submits that the petitioner is entitled to pension. The document as contained in Annexure-A series indicate that the Government decision is very specific that the second wife during the life time of 1st wife is entitled to pension in case the marriage was solemnized after obtaining consent from the Government. Children of 2nd marriage are entitled to family pension.

Considering the stand taken by the respondents particularly Annexure-A series, the writ petition is disposed of with liberty to the petitioner to provide the desired certificate to the respondents. The concerned department as well as the office of the Accountant General immediately after production of the desired certificate are expected to do the needful within a maximum period of two months from the date of production of such certificate and ensure payment of family pension in terms of the resolution of the Finance Department dated 27.6.2011 if



the second marriage was solemnized after obtaining consent of the Government. It goes without saying that the children of 2nd marriage are entitled to family pension and if there is any such case the respondent shall ensure payment of family pension to the children of 2nd marriage if any within the same time.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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