

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4070 of 2019

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Savitri Devi Wife of Late Vidyanandan Prasad Singh Resident of village-
Kachnama, P.S-Makhdumpur, District-Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary of Cooperative Department, Govt. of Bihar, Patna
2. The Accountant General (A and E) Bihar, Patna
3. The Registrar of Cooperative Societies Bihar, Patna
4. The District Cooperative Officer Patna, Bihar
5. The Assistant Registrar Cooperative Societies, Masaurhi Circle, District-Patna
6. The Branch Manager of S.B.I Branch Gandhi Maidan, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Mr.Subodh Kumar
For the Respondent/s	:	Mr.Amit Prakash (GA-13) Mr. Ravi Bhardwaj, AC to GA-13
For Accountant General :		Mr.S. M. Ehteshan
For SBI	:	Mr. Harswardhan Sahay

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

9 04-03-2021 Heard learned counsel for the parties.

The petitioner claims that she is the widow of late Vidyanandan Prasad Singh alias Vidyanandan Singh, who had retired as Cooperative Extension Officer from the office of the Registrar, Cooperative Societies, Masuarhi, with effect from 31.07.2001. He died on 03.06.2016. This is not in dispute that the pension payment order of the deceased employee does not figure the name of the petitioner as his wife/widow.



This writ application has been filed seeking direction to the respondents to add the petitioner's name in the pension payment order for the purpose of grant of family pension in her favour, she being a legally wedded wife of the deceased pensioner.

Learned counsel appearing on behalf of the petitioner has taken me to certain documents, which has been brought on record by way of annexures, pertaining to the claims raised by the petitioner under Section 125 of the Code of Criminal Procedure, 1973 for payment of maintenance, in order to satisfy this Court that the petitioner was legally wedded wife of the deceased pensioner.

In the counter affidavit filed on behalf of the State of Bihar, it has been stated that unless the petitioner is in a position to produce any unimpeachable documents in support of her claim that she is legally wedded wife of the deceased employee, she cannot successfully claim benefit of family pension.

It is a question of fact as to whether the petitioner is the widow of the aforementioned pensioner, who died in 2016. This fact cannot be conclusively decided on the basis of the pleadings and documents brought on record on behalf of the petitioner in the present proceeding under Article 226 of the



Constitution of India.

The petitioner shall, however, be at liberty to approach the appropriate forum to establish the claim of marital status before the death of the deceased pensioner and re-agitate her claim before the authorities for grant of the family pension, in accordance with law.

This application stands disposed of with the aforesaid observation.

(Chakradhari Sharan Singh, J)

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