

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8291 of 2019

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Munni Devi Wife of late Krishna Prasad Thakur Resident of Mohalla-
Ghughari Tand, Police Station- Vishnupad, District- Gaya.

... .. Petitioner/s

Versus

1. Managing Director, South Bihar Power Distribution Company Limited
Vidyut Bhawan, Bailey Road, Patna.
2. The Superintending Engineer, Magadh Electric Supply Region, Gaya.
3. The Executive Engineer, Electric Supply Division, Jehanabad.
4. The Sub Divisional Officer, Electric Supply Division, Jehanabad.
5. Account Officer, Electric Supply Division, Jehanabad.
6. Junior Engineer, Electric Supply Sub Division, Shakurabad, Jehanabad.
7. Sushila Devi Wife of late Krishna Prasad Thakur Resident of Mohalla-
Ghughari Tand, Police Station- Vishnupad, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Respondent/s : Mr.Vinay Kirti Singh, Sr. Advocate

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 20-07-2021 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

2. Heard learned counsel for the parties.

3. It is the petitioner's case that she was married to the
deceased employee under the South Bihar Distribution
Company Limited during the subsistence of the employee's first
marriage. The petitioner's husband died in harness due to
electrocution. She has filed the present writ application seeking
direction for payment of death cum retiral benefits consequent



upon death of her husband. It has been stated in the writ application that the petitioner and the first widow of the deceased employee have arrived at a compromise for sharing the death cum retiral benefits. It is also the petitioner's case that she has children with the deceased employee, who are minor.

4. It is the stand of the Company, on the other hand, that under the pension scheme of the South Bihar Power Distribution Company Limited, the second wife is not entitled for pensionary benefits, if the second marriage is not valid. It is, however, the case of the Company that minor children of the second wife are entitled for such benefits.

5. It has been stated at the bar that the first wife of the deceased employee has since been died, who has been impleaded as respondent No.7 in the present application. Though learned counsel appearing on behalf of the petitioner intended to file an application for substitution, in the facts and circumstances of the case, it has been considered appropriate to dispose of the writ application with a direction to the Superintending Engineer, Magadh Electric Supply, Region, Gaya (Respondent No.2) to take a final decision on payment of pensionary benefits, in accordance with law to the family members of the deceased employee. The decision must be taken



within two months from the date of receipt/production of a copy of this order.

6. The Court expects that once a decision is taken, the respondent shall ensure payment of post retiral benefits and family pension, if members of family of the deceased employee are found entitled to.

7. This disposes of the application.

(Chakradhari Sharan Singh, J)

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