

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7150 of 2017

1. Krishna Nandan Singh
2. Ram Nandan Singh,
Both sons of Late Bindeshwari Singh, resident of Village- Lohandda, P.S.-
Sikandara, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna-15
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna-15.
3. The Director, Primary Education, Government of Bihar, Vikash Bhawan, New Secretariat, Patna-15.
4. The District Magistrate, Jamui.
5. The District Provident Fund Officer, Munger.
6. The District Education Officer, Jamui.
7. The District Programme Officer, Jamui.
8. The District Programme Officer, Munger, Bihar, Bir Chand Patel Patna, Patna.
9. The Accountant General, Bihar, Patna.
10. The Headmaster, Government Middle School, Sikandara.
11. The Treasury Officer, Jamui.
12. Prem Lata Devi, C/o Pankaj Kumar, S/o Vimal Singh, P.O. Puari, P.S.-
Harnaut, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Sr. Advocate Mr. Kunal Tiwary, Advocate
For the State	:	Mr. Jitendra Kr.Roy No1, SC-13
For the Accountant General :		Mr. Arun Kumar Arun, Advocate
For Respondent No. 12	:	Mr. Ajay Kumar Singh, Advocate Mr. Pramod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

13 21-01-2021 I have heard Mr. Ashok Kumar Singh, learned Senior

Counsel appearing on behalf of the petitioner, learned SC-13 for



the State of Bihar and Mr. Ajay Kumar Singh for Respondent No. 12. Mr. Arun Kumar Arun, learned counsel has represented the office of the Accountant General.

2. One Jung Bahadur Singh died on 14.09.1978 while working as an Assistant Teacher in Government Middle School, Sikandara, which now falls in the district of Jamui. The petitioners are the nephews of said Jung Bahadur Singh. Respondent No. 12 claims to be widow of late Jung Bahadur Singh. The status of Respondent No. 12 as widow of late Jung Bahadur Singh is being seriously disputed by the petitioners.

3. In the present writ application, the petitioners have put to challenge an order dated 11.03.2016, issued by the District Education Officer, Jamui whereby he has sanctioned 100% provisional family pension in favour of Respondent No. 12.

4. It is the case of the petitioners that late Jung Bahadur Singh had executed a will in their favour for granting letter of administration in respect of his entire property. The pleadings on record go to suggest that proceedings are pending before the court of learned District Judge, Jamui and before this Court also in relation to the said dispute between the petitioners and Respondent No. 12.



5. Be that as it may, the petitioners, being nephews of late Jung Bahadur Singh, cannot claim family pension under the Bihar Pension Rules, which is admissible to widow of a Government servant. The question arises as to whether, in such circumstance, the petitioners have *locus standi* to question the order whereby provisional family pension has been sanctioned in favour of Respondent No. 12. The letter sanctioning provisional family pension specifically mentions that if status of Respondent No. 12 is finally decided otherwise, the amount of family pension or any other amount paid to her by virtue of the said letter shall be recovered.

6. Learned Senior Counsel appearing on behalf of the petitioners has argued that on the strength of the impugned order the Respondent No. 12 is claiming her status as widow of late Jung Bahadur Singh before other authorities as well as the court below.

7. In my opinion, apprehension of the petitioners that Respondent No. 12 can establish her claim as widow of deceased Jung Bahadur Singh solely on the basis of the sanction order for payment of pension is unfounded. The said letter sanctioning provisional family pension cannot be treated to be a conclusive finding having binding effect on the others in respect



of status of Respondent No. 12 as widow of late Jung Bahadur Singh. The dispute in this regard can be adjudicated upon in appropriate forum at appropriate stage in accordance with law.

8. The impugned order, in my opinion, is not required to be interfered with in the present proceeding at the instance of the petitioners. It will be open, however, for the State of Bihar to examine the correctness of the status of Respondent No. 12 in accordance with law.

9. With the aforesaid observation, this application stands disposed of.

(Chakradhari Sharan Singh, J)

Rajesh/-

U			
---	--	--	--

