

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1793 of 2022

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Santawana Adhikari W/o Late Tarkeshwar Pandey, Resident of Village and Post Office-Baikatpur, P.S.-Khusrupur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. Director, Primary Education, Government of Bihar, Patna.
3. District Education Officer, Patna, District-Patna.
4. District Programme Officer (Estt.) Patna, District-Patna.
5. Head Master-cum-Drawing Disbursing Officer, Middle School, Baikatpur, Khusrupur, District-Patna.
6. Accountant General (A and E), Bihar, Patna.
7. Treasury Officer, Sub treasury, Patna City, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar Sharma, Adv. Ms. Kiran Kumari Sharma, Adv.
For the Respondent/s	:	Mr. Prabhakar Jha (GP27)
For Acctt. General	:	Ms. Ritika Rani, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-04-2022 Heard the parties.

The petitioner claims to be 2nd wife of the deceased employee, who retired in the year 2013 from the post of “Assistant Teacher” and died on 19-03-2014.

Learned counsel for the petitioner submits that after the death of 1st wife, the employee solemnized marriage with the petitioner in the year 1991. Accordingly, by way of present writ application the petitioner claims pension and gratuity amount of Rs. 664430 /- payable to her husband.



Ms. Ritika Rani, learned counsel appearing for the Accountant General referring to Annexure – 1 to the writ petition submits that earlier the son of the deceased employee had approached this Court in C.W.J.C. No. 4633 of 2016 claiming the same relief, which has been decided by this Court by the following order:-

“4. The admitted position is that the petitioner is the son of late Tarkeshwar Pandey, from the first wife, and after death of his mother, his father had married another lady and when the father also died in the year 2014, she has gone back to the State of West Bengal and, as per the stand taken by learned counsel for the petitioner, she has remarried.

5. In view of the aforesaid, the stand of the authorities that the payment of gratuity cannot be made to the petitioner unless all the claimants come and there is agreement or a competent court gives succession certificate defining the share of each of the heirs.

6. Thus, the Writ Court cannot go into all those aspects moreso, when admittedly there is another brother of the petitioner and a legally wedded wife (now widow) of his late father, the matter has to be sorted out either among themselves or by getting a succession certificate from the Civil Court of competent jurisdiction.

7. The writ petition stands disposed off



with the liberty to the petitioner to avail of his remedy under the common law and / or the competent authority.”

In view of the fact that for the same relief another set of claimant had approached this Court and the writ petition was disposed off with liberty to the petitioner to avail remedy under the common law and / or the competent authority, as such, I am not inclined to interfere in the present writ petition.

Accordingly, the writ application stands rejected.

(Anil Kumar Sinha, J)

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