

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12869 of 2017

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Santawana Anand @ Aradhana Kumari @ Aradhana Anand W/o Late
Abhishek Anand, D/o Late Murari Singh, R/o Village P.O. P.S.- Dharhara,
District- Munger.

... .. Petitioner/s

Versus

1. The Union Of India
2. The Secretary Ministry of Defense, Union of India, New Delhi.
3. The Director General, CRPF New Delhi.
4. The Commandant, 186 Battalion, CRPF Jaipur, Dit.- Namsai Arunachal Pradesh.
5. I.G., C.R.P.F., Bihar Baily Road, Patna.
6. The Deputy Inspector General CRPF, Mokamaghat Patna, Bihar.
7. The Deputy Inspector General, CRPF, Ground Centre Amethi U.P..
8. Asha Anand @ Abha Anand, W/o Late- Abhishek Anand R/o Village P.O. P.S.- Dharhara, District- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar, Adv.
For the Respondent/s : Mr.R.K. Sharma, CGC
Mr. Anil Kumar Singh , Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 24-03-2022 Heard Mr. Alok Kumar, learned counsel for the

petitioner, Mr. R.K. Sharma, learned C.G.C. and Mr. Anil

Kumar Singh, learned counsel for the private respondent no. 8.

Petitioner is admittedly 2nd wife of the deceased
employee claiming family pension and death-cum-retiral
benefits.

Vide order dated 13-1-2021 this Court had given
liberty to the petitioner to implead the minor child born out of



wedlock between the deceased employee namely, Abhishek Anand and the petitioner and in pursuance thereof the petitioner has filed an interlocutory application i.e. IA No. 1 of 2021 for impleadment of the minor child of the petitioner as petitioner no. 2.

Taking into consideration the nature of relief prayed for in the IA No. 1 of 2021, the same is allowed.

The minor child of the petitioner namely, Aradhaya Anand, aged about seven years, through her mother namely, Santawana Anand @ Aradhana Kumari @ Aradhana Anand is permitted to be added as petitioner no. 2.

Learned counsel for the petitioner submits that admittedly the petitioner no. 1 (i.e. wife of the deceased employee) is not entitled to family pension and other retiral dues however, relying upon a judgment of the Hon'ble Apex Court reported in (2000) 2 Supreme Court Cases 431 Rameshwari Devi *Versus* State of Bihar and others, learned counsel submits that even if marriage between the petitioner and the deceased employee was a void marriage but under Section 16 of the Hindu Marriage Act, 1956 children born out of void marriage are legitimate and the Apex Court in paragraph 14 of the said judgment has upheld the judgment of the learned single judge



and Division Bench which had directed for payment of family pension / share of retiral dues in favour of minor child of the second wife.

Mr. R.K. Sharma, learned counsel appearing for Central Government submits that in view of the legal position share in the family pension and the retiral benefits of the deceased employee who was working as CTGD in CRPF can be paid in accordance with law between 1st wife and the minor child under the guardianship of the petitioner.

Learned counsel for the private respondent no. 8 however submits that succession petition filed by respondent no. 8 is pending before the competent court of civil jurisdiction.

I have heard the rival submissions advanced on behalf of the parties. It is admitted position that the petitioner is the 2nd wife of the deceased employee and out of the wedlock a girl child was born and from perusal of the material on record it appears that there is no dispute with regard to the fact that petitioner is 2nd wife of the deceased employee and out of wedlock one child has born.

Accordingly, taking into consideration the judgment of the Hon'ble Apex Court in the case of Rameshwari Devi Case (Supra) and the admitted fact, I direct the respondent



-CRPF to pay the admissible share of family pension / retiral benefits to the minor child of the petitioner, who has been made party through her natural guardian and mother i.e. petitioner, within a period of four weeks.

With the aforesaid observation and direction, the writ application is disposed of.

(Anil Kumar Sinha, J)

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