

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5137 of 2021

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Renu Devi Wife of Late Devendra Prasad Yadav Resident of Mohalla- Binoba
Nagar, P.S.- Magadh Medical, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Principal Secretary, Health Department, Government of Bihar, Patna.
3. Principal, Anugrah Narain Magadh Medical College, Gaya.
4. Superintendent, Anugrah Narain Magadh Medical College, Gaya.
5. Accountant General, Bihar, Patna.
6. Senior Accountant Officer, Office of the Accountant General (A and E), Bihar, Patna.
7. Treasury Officer, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shanti Pratap, Advocate
For the Respondent/s	:	Mr. S D Yadav, AAG-9
		Mr. Anil Kumar Verma, AC to AAG-9

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 23-11-2023

Heard Mr. Shanti Pratap, learned counsel appearing
on behalf of the petitioner and Mr. Anil Kumar Verma, learned
AC to AAG-9.

2. The petitioner by filing the present writ petition
seeking a direction upon the respondents to ensure the family
pension and other arrears of admissible dues of her husband,
who died on 21.09.2018.

3. It is submitted that the husband of the petitioner
was employed as Electrician in the A.N.M. Medical College,
Gaya and superannuated from his service on 31.07.2017.

4. It is the case of the petitioner that in the year 1978,



the husband of the petitioner had solemnized marriage with one Kunti Devi, who died on 05.02.1989 leaving behind her husband and two minor sons, namely, Arjun Kumar and Arun Kumar. Subsequent to the death of his first wife, the erstwhile employee solemnized second marriage with the petitioner in the year 1990 and from this wedlock three children were born, the names of which were mentioned in paragraph no. 7 of the writ petition. He further submits that after the retirement, the husband of the petitioner filed an affidavit on 17.02.2018, stating therein, that the petitioner is his legally wedded wife and he solemnized marriage with her after the death of his first wife (Kunti Devi) and he has altogether four sons and one daughter, who are living together.

5. After the death of the husband, the petitioner submitted her representation along with necessary papers, whereupon the Treasury Officer, Gaya requested the Accountant General, Bihar to mention the name of the petitioner in P.P.O. Book and all related documents/papers, and take further action for payment of pension. Thereafter, under the signature of Senior Accounts Officer, AG Office, Bihar, Patna Memo No. 725 dated 13.08.2019 came to be issued, directing the Treasury Officer, Gaya to record the name of the petitioner in P.P.O. Book



and other relevant papers and further vide Memo No. 759 dated 19.08.2019 the Principal, ANM College, Gaya has been requested to enquire the matter and issue sanction order for payment of family pension to the dependent.

6. Despite the inclusion of the name of the petitioner in the P.P.O. Book and no dues certificate having been sent to the concerned authority vide Letter No. 249 dated 05.02.2019, till date, the petitioner has not been allowed the benefit of family pension and other admissible dues thus, the petitioner approached before this Court.

7. A counter affidavit has been filed on behalf of the respondent nos. 3 and 4, with reference to the averments made therein, submission has been made that the son of the first wife has filed an application on 30.07.2018, making certain allegation against the petitioner that he was not being looked after by the petitioner and, as such, he made objection in granting any family pension in favour of the petitioner.

8. In view of the objection made by the son of the first wife, a letter has been issued under the signature of Secretary of Commissioner, Magadh Division, Gaya bearing Letter No. 3747 dated 21.12.2018, directing the concerned authority to stop the payment of retirement benefit and the family pension of Late



Devendra Prasad Yadav, Retired Electrician.

9. At this juncture, learned counsel for the petitioner submits that though on account of certain differences, an objection has been made by the son of the first wife, but subsequently the matter has been settled and in this regard, an application has been filed by the son of the first wife that he has no objection if the family pension and other payment is to be made in favour of the petitioner. A consent letter has also been brought on record by way of Annexure 9 to the writ petition dated 23.09.2020.

10. Considering the aforementioned facts and the submissions advanced on behalf of the parties, especially the fact that the name of the petitioner has already been included in the P.P.O. order and now there is no objection from any corner, this Court finds there is no impediment in ensuring the family pension and other admissible dues in favour of the petitioner.

11. In view thereof, this Court disposes the present writ petition and direct the petitioner to approach before the District Magistrate, Gaya along with sons of the first wife, preferably within a period of four weeks from today along with the order of this Court. The District Magistrate, Gaya being satisfied that there is no differences amongst the families of two



wives, shall pass the necessary order directing for family pension and other admissible dues, in accordance with law.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.11.2023.
Transmission Date	NA

