

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8815 of 2020

Most. Parvati Devi W/o Late Shiv Prasad Paswan Resident of Ward No 01
Sakhua Post Simraha Matiahi, Mathahi P.S. Madhepura, District Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Department of PWD, Bihar Patna.
2. The Accountant General, Bihar Patna.
3. The Treasury Officer, Supoul, District Supoul.
4. The Executive Engineer, Department of Road Construction, Bihar, Patna.
5. The District Magistrate, Supoul.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 19208 of 2017

1. Radha Devi W/o Late Shiv Prasad Paswan resident of Village- Piprahi, P.O. and P.S. Raghapur, District- Supaul.
2. Basanti Kumari (Minor) D/o Late Shiv Prasad Paswan, resident of Village- Piprahi, P.O. and P.S.- Raghapur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Superintending Engineer, Road Construction Circle, Saharsa.
4. The Executive Engineer, Road Construction Division, Supaul.
5. Parwati Devi @ Paro Devi, Village- Sakhua, P.O.- Simraha, P.S. and District- Madhepura.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 8815 of 2020)

For the Petitioner/s : Mr.Anupa Nand Jha, Advocate.
Mr. Alok Kumar, Advocate.

For the Respondent/s : Mr. Mahendra Prasad Verma, AC to SC-20.

(In Civil Writ Jurisdiction Case No. 19208 of 2017)

For the Petitioner/s : Mr.Dhirendra Kumar Jha, Advocate.
Mr. Krishna Chandra Jha, Advocate.

For the Respondent/s : Mr.Sushil Kumar, GP-22.



CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 04-07-2023

Heard Mr. Anupanand Jha, learned counsel along with Mr. Alok Kumar, learned counsel appearing on behalf of the petitioner and Mr. Mahendra Prasad Verma, learned AC to SC-20 for the State in C.W.J.C. No. 8815 of 2020 and Mr. Dharendra Kumar Jha, learned counsel along with Mr. Krishna Chandra Jha, learned counsel appearing on behalf of the petitioner and Mr. Sushil Kumar, learned counsel for the State in C.W.J.C. No. 19208 of 2017.

2. Learned counsel appearing on behalf of the petitioner in C.W.J.C. No. 8815 of 2020 submits that it is admitted that the petitioner Most. Parvati Devi is the first wife of the deceased employee and one Radha Devi has claimed to be second wife of the deceased employee by filing C.W.J.C. No. 19208 of 2017 for grant of pensionary benefits.

3. Considering the aforesaid submission made by the learned counsel appearing on behalf of the petitioner, both the writ petitions are being heard together as the matter relates to claim of pension by the petitioners of the present writ petitions bearing C.W.J.C. No. 8815 of 2020 and C.W.J.C. No. 19208 of 2017.

4. It is informed by learned counsel appearing on



behalf of the petitioner in C.W.J.C. No. 8815 of 2020 that the petitioner Most. Parvati Devi is the first wife of the deceased employee and in terms of the Bihar Pension Rules, she is entitled for family pension. He further submits that on perusal of C.W.J.C. No. 19208 of 2017, it would appear that the petitioner Radha Devi who has claimed to be the second wife of the deceased employee has failed to produce application duly made by the deceased employee during his service seeking permission to marry even without obtaining a divorce decree from the first wife, Most. Parvati Devi, petitioner of C.W.J.C. No. 8815 of 2020.

5. Learned counsel appearing on behalf of the petitioner in C.W.J.C. No. 19208 of 2017 submits that the name of the petitioner finds reference in the application and without verifying the said fact from the authority, the respondents have taken steps to fix the family pension in favour of the petitioner Most. Parvati Devi.

6. Learned counsel for the State submits that already steps have been taken to decide the claim of the petitioners of the two writ petitions with respect to the eligibility of the first wife as well as second wife to receive family pension.



7. Considering the rival submissions made by the parties, the petitioners, if so advised, may file a detailed representation before the concerned respondent along with all the relevant documents as well as Government Circulars applicable in their respective case. It is informed that Most. Parvati Devi, writ petitioner of C.W.J.C. No. 8815 of 2020 bears two children from the deceased employee and claim has been made by Most. Radha Dei, petitioner of C.W.J.C. No. 19208 of 2017 that four children have born out of the cohabitation with the deceased employee.

8. This Court finds that the benefits on account of provident fund, leave encashment, gratuity, insurance, etc. in terms of the Government Circulars must be divided between off springs of the deceased employee admitting the fact that even it is disputed that petitioner of C.W.J.C. No. 19208 of 2017 is the second wife of the deceased employee.

9. The representation must be disposed of within a period of six weeks from the date of filing of the representation in accordance with law considering the Government Circulars as well as the law laid down by the Apex Court and this Hon'ble Court.

10. The writ application, accordingly, stands



disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	07.07.2023
Transmission Date	N.A.

