

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3185 of 2023

=====

Shashi Bala wife of late Hari Shankar, resident of Flat No. 304, Rama Shyama Villa Apartment, third Floor, Gola Road Patna, presently residing at Flat no. D- 11 Amba Apartment, Plot No.- 5, Sector- 10 Dwarka, New Delhi- 110073.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Special Secretary, Rural Works Department, Govt. of Bihar, Patna.
3. Secretary, Rural Works Department, Govt. of Bihar, Patna.
4. Engineer-in- Chief, Rural Works Department, Govt. of Bihar, Patna.
5. Treasury Officer (Koshadhikari), Govt of Bihar, Patna.
6. Accountant General, Bihar, Patna.
7. Manju Kumari, (claiming to be wife of) Late Hari Shankar Sah, resident of Shiv Mandir Road, Inderpuri, Patna, Pincode 800024.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Abu Bakar
For the Respondent/s : Mr.Archana Meenakshee (Gp 6)

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 18-07-2023

Heard Mr. Abu Bakar, learned counsel appearing on behalf of the petitioner; Ms. Archana Meenakshee, learned GP-6 for the State and Dr. Anand Kumar, learned counsel along with Mr. Rajan Prakash, learned counsel for the Accountant General.

2. Let the hard copy of the counter affidavit filed on behalf of respondent nos. 1 to 4 be kept on the record.

3. The petitioner has filed the present writ petition for the following reliefs:

i. For issuance of an appropriate writ in the nature of Mandamus commanding and directing the respondent authorities the respondents to make payment of family



pension and all consequential death benefits for which the petitioner is entitled after death of her husband Hari Shankar Sah who died on 26-8-2022 after he was retired on 28-2-2022 as Executive Engineer from Muzaffarpur Division under Rural Works Department, Govt of Bihar.

ii. For commanding the respondent not to make payment of family pension and other retiral dues in favour of private respondent no.6 Manju Kumari who is falsely claiming to be the wife of the deceased.

iii. For setting aside the letter no.6/ Ho -4- 6/2022/6436 dated 3-11-2022 /7-11-2022 issued by Special Secretary, RWD, Patna, Bihar wherein private respondent no. 6 namely Manju Kumari along with the petitioner is also entertained as wife of Late: Hari Shankar Sah without any basis or justification on her part and both are instructed/advised by the department to obtain Succession certificate to claim family pension in their favour.

iv. For 10 percent interest over the retiral dues under the head of family pension and death benefit which are with the respondents.

v. For other necessary relief/reliefs, order/orders direction/directions for which the petitioner is entitled in the eye of Law.

4. Learned counsel appearing on behalf of the petitioner seeks to file a detailed representation to claim retiral benefits including family pension in accordance with the government circulars. Learned counsel for the petitioner seeks to file application made by the deceased employee seeking permission for getting second marriage in accordance with the Circulars of the State Government as well as law laid down by the Apex Court.

5. The respondent no.2 – The Special Secretary, Rural Works Department, Govt. of Bihar, Patna is directed to decide the claim of the petitioner in accordance with the



prevailing government circulars on the basis of the service records of the deceased employee. The petitioner has stated that the deceased employee had two more wives, but detail has not been furnished. In the circumstance, the respondent no.2 is required to issue notice to the first and third wife of the deceased employee and decide the claim of the petitioner with respect to her entitlement for receiving family pension. The biological sons and daughter of the deceased employee, in the meantime, must be paid in accordance with law who have taken their birth out of the cohabitation of the deceased employee with his first, second and third wife.

6. The parties are free to avail appropriate remedy in accordance with law as dispute has arisen between the three wives of the deceased employee with respect to entitlement of family pension which primarily relates to civil dispute and the parties may avail appropriate civil remedy before the competent civil court having jurisdiction, if so, advised.

7. The writ petition accordingly stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	21.07.2023
Transmission Date	N.A.

