

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3345 of 2023

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Jageshwari Devi @ Lukhiya Devi W/o Late Harihar Ram, Resident of Village
and P.O.- Dariyapur Kaphen, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary cum Commissioner Health Department
Govt. of Bihar, Patna.
2. Regional Additional Director, Health Services, Tirhut Division, Muzaffarpur.
3. Civil Surgeon cum Chief Medical Officer, Sitamarhi.
4. Incharge Medical Officer, Primary Health Centre, Bairgenia.
5. Accountant General, Bihar, Patna.
6. District Magistrate, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sri Niwas Jha, Advocate
For the Respondent No.5:		Mrs. Nivedita Nirvikar, Sr. Advocate
		Mr. Lalan Kumar, J.C. to Sr. Advocate
For the State	:	Mr. Anirudh Kumar Singh, AC to GP-25

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-07-2023 Heard Mr. Sri Niwas Jha, learned counsel appearing

on behalf of the petitioner, Mrs. Nivedita Nirvikar, learned

Senior Counsel assisted by Mr. Lalan Kumar, learned counsel

appearing on behalf of the respondent no. 5 and Mr. Anirudh

Kumar Singh, learned AC to learned GP-25 for the State.

2. Learned counsel appearing on behalf of the
petitioner informs this Court that petitioner is the second wife.
First wife of the petitioner namely, Late Kailashi Devi had died
on 09.05.2008. Petitioner has claimed for family pension whose
husband had died on 19.10.1979 in harness from the post of



peon posted at Primary Health Centre, Bairgenia, District-Sitamarhi.

3. Learned counsel submitted that the petitioner has made several representations before the District Magistrate, Sitamarhi, and Civil Surgeon, Sitamarhi. The representations are annexed as 'Annexure-13, 14 and 15' to the writ petition wherein the petitioner has made request for making payment of the retiral dues and family pension. The petitioner has admitted that she is the second wife of the deceased employee and she is entitled for family pension after the death of the first wife.

4. This Court will not enter into to decide the claim of the petitioner that she is the second wife of the deceased employee. However, the District Magistrate, Sitamarhi, is directed to decide the claim in accordance with law. In the meantime, he must ensure that the biological sons and daughters of the deceased employee are paid equally the retiral dues if already not paid after verifying their entitlement on the basis of prevailing circular of the State Government and law governing in this regard.

5. The District Magistrate, Sitamarhi, must inform the petitioner in case her assistance is required or any of the legal representative of the deceased employee, who are entitled for



payment of retiral dues on any head which has not already been paid to the deceased employee.

6. The final decision must be taken by him within a period of six weeks from the date of communication of this order and ensure payment of the entire dues within time.

7. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/Nilmani

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