

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7605 of 2020

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Kiran Kumari, wife of Late Sanjay Kumar, resident of Mohalla Magadh Colony Saraiya P.O. and P.S. Sohsarai District Nalanda at Biharsharif.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Animal Husbandry and Fisheries, Govt. of Bihar, Patna.
2. The Director, Animal Husbandry, Patna.
3. The Regional Director, (Central Range), Animal Husbandry, Patna.
4. The District Animal Husbandry Officer, Nalanda at Biharsharif.
5. The District Provident Fund Officer, Nalanda at Biharsharif.
6. The Treasury Officer, Nalanda at Biharsharif.
7. The Accountant General (A and E), Mahalekhakar Bhawan, Beerchand Patel Path, Patna.
8. Ranjan Kumar Son of Late Sanjay Kumar Resident of Village- Paithana, P.O. Bhagan Bigha, P.S. Bena, District- Nalanda.
9. Ranjeet Kumar Son of Late Sanjay Kumar Resident of Village- Paithana, P.O. Bhagan Bigha, P.S. Bena, District- Nalanda.
10. Raj Kumar Son of Late Sanjay Kumar Resident of Village- Paithana, P.O. Bhagan Bigha, P.S. Bena, District- Nalanda.
11. Rahul Patel Son of Late Sanjay Kumar Resident of Village- Paithana, P.O. Bhagan Bigha, P.S. Bena, District- Nalanda.
12. Sanju Devi D/o Late Sanjay Kumar, Wife of Ajeet Kumar Maniyawan, P.O. Deepnagar, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kumar, Advocate
For the Respondent/s	:	Mr. Anil Chandra, Advocate
For the A.G.	:	Mr. Bindhyachal Rai, Advocate
For the State	:	Mr. Khursid Alam, AAG-12
		Mr. Majit Mahboob, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 28-06-2023

Mr. Mithlesh Kumar, learned counsel appearing on behalf of the petitioner; Mr. Anil Chandra, learned counsel for the respondent; Mr. Bindhyachal Rai, learned counsel for the



A.G. and Mr. Khursid Alam, learned AAG-12 assisted by Mr. Majit Mahboob, learned counsel appearing for the State.

2. Learned counsel appearing on behalf of the petitioner informs this Court that petitioner is aggrieved for non payment of family pension and gratuity etc. to which she is entitled. In support of her claim, the petitioner has brought on record the service-book of the deceased employee namely Sanjay Kumar, who had died on 03.05.2017. The service-book has been brought on record by way of Annexure-2. Learned counsel further submits that, in the service book, the District Animal Husbandry Officer, who was controlling officer of the petitioner, has recorded regarding the performance of marriage of deceased employee with the petitioner after the death of the first wife of the deceased employee namely, Rajiya Devi. Learned counsel further informs that the biological son and daughter of the deceased employee, who has taken birth from the said Rajiya Devi has already been paid retiral dues admissible to the deceased employee on account of GPF, Insurance and leave encashment as per the amicable settlement between the parties.

3. In these backgrounds, learned counsel submits that denial of family pension to the petitioner is not in accordance



with law.

4. Learned counsel for the private respondent nos. 8 to 12 admits that they have received retiral dues on account of leave encashment, provident fund and group insurance.

5. The State has not denied the fact that the service book do not reveals that the deceased employee had not informed his Controlling Officer regarding the death of his first wife and information relating to his second marriage has also recorded in the service book of the deceased employee that the deceased employee had married with the petitioner on 24.10.2012.

6. Considering the information given as well as from perusal of the service-book of the deceased employee Late Sanjay Kumar, which has been brought on record by way of Annexure-2 to the writ petition, reveals that the husband of the petitioner has given all the information in accordance with law and prevailing circulars regarding the second marriage, which entitles the petitioner to receive family pension and gratuity payable on account of the death of the deceased employee in accordance with law.

7. The respondent no. 4, the District Animal Husbandry Officer, Nalanda at Biharsharif without taking any



technical ground forthwith sanction the family pension admissible to the petitioner not beyond the period of two weeks from the date of passing of this order.

8. The Accountant General, Bihar is directed to issue PPO. Accordingly, the Treasury Officer, Nalanda at Biharsharif, once having received the PPO must forthwith credit the entire amount of the arrears on account of the family pension including current pension payable to the petitioner within a period of week from the date of receiving of PPO.

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

(Purnendu Singh, J)

Manish/
Minu

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.06.2023
Transmission Date	

