

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12058 of 2021

Sarswati Devi W/o Late Ramashankar Bhagat @ Ramashankar Kushwaha
R/o Vill- Rasauti, Dharhara, PS- Kataiya, Distt- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Minor Irrigation Department, Bihar, Patna.
2. The Secretary, Minor Irrigation Department, Bihar, Patna.
3. Executive Engineer, Minor, Irrigation Division, Gopalganj.
4. The Accountant General (A and E), Bihar at Patna.
5. Kalawati Devi W/o Late Ramashankar Bhagat @ Ramashankar Kushwaha
R/o Vill- Rasauti, Dharhara, PS- Kataiya, Distt- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Singh, Advocate Mr.Devanand Tiwari, Advocate
For the Res.No.5	:	Mr.Uday Kumar, Advocate
For the Respondent/s	:	Mr.Arvind Kumar, AC to GA 9

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 09-10-2023

Heard Mr. Shashi Bhushan Singh with Mr. Devanand Tiwari, learned counsel appearing on behalf of the petitioner, Mr. Uday Kumar, learned counsel for the Respondent no.5 and Mr. Arvind Kumar, learned AC to GA 9 for the State.

2. The present writ application has been filed by the petitioner for grant of 50 % pension of the deceased employee, namely Ramashankar Bhagar @ Ramashankar Kushwaha, alleging to be his second wife and having two sons from the marriage with the deceased. However, respondent no.5, being the first wife of the



deceased employees, has categorically denied all the claims of the petitioner.

3. The law is well settled that in case of dispute between two parties claiming themselves to be entitled for family pension, remedy for such claim is before the competent civil court having jurisdiction or they can even file a joint affidavit with respect to amicable settlement.

4. So far as retiral benefits which have not been paid to the deceased employee, the biological sons and daughters of the deceased employee are entitled for the same in accordance with several circulars and guidelines of the State Government and the law laid down by the Apex Court in case of **Rameshwari Devi v. The State of Bihar & Ors.** reported in **(2000) 2 SCC 431**.

5. The concerned respondent is directed to forthwith verify about the biological sons and daughters, who have taken birth out of cohabitation from two wives of the deceased employee and make payment of retiral benefits, which have not been paid to the deceased employee to be distributed, in equal share, among the biological sons and daughters of the deceased employee, in accordance with the government circulars, and the law laid down by the Apex Court within a period of six weeks from the date of communication of this order.



6. The writ petition, accordingly, stands disposed of.

(Purnendu Singh, J)

chn/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.10.2023
Transmission Date	

