

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9478 of 2022

=====

Kiran Devi W/O- Late Hiralal Jha R/o Village- Ladaur P.O. Ladaur P.S.
Gayghat District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Agriculture Department, Patna.
2. The Agriculture Director, Bihar Patna.
3. The Joint Director Agriculture Cum Controller, Measurement and Weight, Bihar Patna.
4. The Accountant General, Bihar Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ram Shankar Das, Advocate
For the Respondent/s	:	Mr. Awanish Nandan Sinha, GP-21
For the A.G.	:	Mr. Arun Kumar Arun, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 04-09-2023

Heard Mr. Ram Shankar Das, learned counsel appearing on behalf of the petitioner; Mr. Awanish Nandan Sinha, learned GP-21 appearing on behalf of the State and Mr. Arun Kumar Arun, learned counsel appearing on behalf of the Accountant General, Bihar.

2. Learned counsel appearing on behalf of the petitioner submits that petitioner is the second wife of the deceased employee, namely, Hiralal Jha, who had retired from the post of Marketing Inspector posted in Bazar Samiti, Purnea in the year 2001. The deceased employee



had legally wedded wife, who had died in the year 2008 and she was being paid retiral family pension. The first wife pre-deceased to him and died in the year 2020. After death of the first wife, the petitioner, being the legally wedded wife of the deceased employee, claims family pension.

3. Learned counsel appearing on behalf of the State submits that petitioner is not entitled for family pension in light of several Circulars of the State Government.

4. This Court finds that the submission made on behalf of the respondent is mis-conceived in the facts of the present case. The first wife of the deceased employee had pre-deceased him in the year 2008 and the employee had died in the year 2020. The petitioner was married in accordance with Hindu Rites and she being the wife of the deceased employee has claimed her entitlement for family pension.

5. Considering the disputed question of the facts with respect to the claim of the petitioner to be the legally wedded wife of the deceased employee, this Court cannot adjudicate into the matter. The petitioner has remedy before



the competent Civil Court to seek declaration with respect to her claim that she is the legally wedded wife of the deceased employee. The law, however, is clear with respect to the payment of retiral benefits to the biological sons and daughters of the deceased employee namely, late Hira Lal Jha.

6. Considering the fact that the husband of the petitioner was being paid regular pension till his death. In case the petitioner files representation for the claim, as prayed for in the present writ petition, the same is directed to decided in accordance with law by the competent authority. So far as the claim of the biological sons and daughters of the petitioner is concerned, the Director Agriculture, Bihar, is directed to consider the claim of the biological sons and daughters of the deceased employee accordance with law and Government circulars to make payment of the retiral dues in equal shares to all the biological sons and daughters of the deceased employee namely, late Hira Lal Jha within a period of four weeks from the date of passing of this order.

7. With the above observations and directions,



the present writ petition stands disposed of.

(Purnendu Singh, J)

Manish/-
Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.09.2023
Transmission Date	N/A

