

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4234 of 2021

Masomat Malti Devi, W/o Late Shankar Pandit @ Shankar Kumar, resident of Mohalla-Dujara, Bansh Ghat, Police Station-Buddha Colony, Patna-800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Bailey Road, Patna-800015.
2. The Divisional Commissioner, Saran Division, District Saran (Chhapra).
3. The Collector/District Magistrate, District Saran (Chhapra).
4. The Deputy Development Commissioner (DDC), Saran, District Saran (Chhapra).
5. The Accountant General, Bihar, Patna.
- 6.1. Gita Devi Daughter of Late Lila Devi, resident of Mohan Nagar, Near Tribhuwan Kirana Store, Chandrawati Palace, District and Town-Chapara, at present resident of Mauna Mohan Nagar, Chapra, Police Station Chapra Town, Circle Sadar Chapra, District Saran Chapra.
- 6.2. Munni Devi Daughter of Late Lila Devi, resident of Mohan Nagar, Near Tribhuwan Kirana Store, Chandrawati Palace, District and Town-Chapara, at present resident of Mauna Mohan Nagar, Chapra, Police Station Chapra Town, Circle Sadar Chapra, District Saran Chapra.
- 6.3. Rajni Devi, Daughter of Late Lila Devi, resident of Mohan Nagar, Near Tribhuwan Kirana Store, Chandrawati Palace, District and Town-Chapara, at present resident of Mauna Mohan Nagar, Chapra, Police Station Chapra Town, Circle Sadar Chapra, District Saran Chapra.
- 6.4. Santosh Kumar, son of Late Lila Devi, resident of Mohan Nagar, Near Tribhuwan Kirana Store, Chandrawati Palace, District and Town-Chapara, at present resident of Mauna Mohan Nagar, Chapra, Police Station Chapra Town, Circle Sadar Chapra, District Saran Chapra.
- 6.5. Abhinay Kumar, son of Late Lila Devi, resident of Mohan Nagar, Near Tribhuwan Kirana Store, Chandrawati Palace, District and Town-Chapara, at present resident of Mauna Mohan Nagar, Chapra, Police Station Chapra Town, Circle Sadar Chapra, District Saran Chapra.
- 6.6. Vivek Kumar, son of Late Lila Devi, resident of Mohan Nagar, Near Tribhuwan Kirana Store, Chandrawati Palace, District and Town-Chapara, at present resident of Mauna Mohan Nagar, Chapra, Police Station Chapra Town, Circle Sadar Chapra, District Saran Chapra.

... .. Respondent/s



Appearance :

For the Petitioner/s : Ms. Sushmita Kumari, Advocate
For the State : Mr. Sumant Kumar Singh, AC to GA 2

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 09-10-2023

Heard Ms. Sushmita Kumari, learned counsel appearing on behalf of the petitioner and Mr. Sumant Kumar Singh, learned AC to GA 2 for the State.

2. 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. In the present case, the respondent no.8, who claims to be second wife of the deceased employee, has died during the pendency of the writ petition and substituted vide order dated 23.06.2023.

3. 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. 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 shares among the biological sons and daughters of the deceased employee in accordance with the government circulars within a period of six weeks from the date of communication of this order.

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

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.10.2023
Transmission Date	NA

