

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12242 of 2023

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Dipti Mishra, aged about 36 years, Female, daughter of Late Shashi Bhushan Mishra, Resident of Village Kartahan, P.S.- Kartahan, Dist.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat Building, Patna.
2. The Principal Secretary, Department of Energy, Government of Bihar, Patna.
3. The Managing Director cum Chairman, Bihar State Power Holding Company Ltd., Vidyut Bhawan, Jawahar Lal Nehru Marg, Patna.
4. The Managing Director, North Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
5. The Superintending Engineer, Electricity Supply Division, Muzaffarpur.
6. The Executive Engineer, Electricity Supply Division, Muzaffarpur.
7. The Assistant Engineer, Electricity Supply Division, Muzaffarpur.
8. Anima Mishra, Wife of Manoj Kumar Mishra Resident of Village- Kartahan, P.S.- Kartahan, Dist.- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Jai Vardhan Narayan, Advocate
For the State	:	Mr.Kinkar Kumar (Sc 19)
		Mr. Zaki Haider, AC to C 19
For the NBPDCCL	:	Mr. Kunal Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 06-10-2023

Heard Mr. Jai Vardhan Narayan, learned counsel appearing on behalf of the petitioner; Mr. Kinkar Kumar, learned SC-19 for the State and Mr. Kunal Tiwary, learned counsel for the North Bihar Power Distribution Company Limited.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner has given him instruction that she is ready to file a detailed representation before



respondent no.4, the Managing Director, North Bihar Power Distribution Company Ltd. with respect to the relief, as claimed for in the present writ petition. Learned counsel informs that the petitioner is the biological daughter of the deceased employee being born out of his second wife late Punam Mishra. It is further informed that the deceased father of the petitioner had also married earlier to late Veena Mishra, who pre-deceased her husband.

3. In these backgrounds, learned counsel submits that the mother of the petitioner, who had died after the death of the deceased employee, became entitled for family pension.

4. Learned counsel appearing on behalf of the State submits that the question of legality of the marriage with the deceased mother of the petitioner with the deceased employee can only to be held void in absence of any evidence to that effect that the deceased employee during his lifetime has sought permission from his controlling officer to perform second marriage. The claim being disputed question of facts cannot be adjudicated under Article 226 of the Constitution of India.

5. Considering the rival submissions of the parties, this Court finds it proper to direct the Managing Director, North



Bihar Power Distribution Company Limited to distribute the retiral dues under different heads relating to the deceased employee/ late Shashi Bhushan Mishra among his biological sons, if any, and daughters in equal shares including the petitioner and respondent no.8 within a period of six weeks.

6. The petitioner, if so advised, can avail appropriate remedy before the competent civil court in accordance with law for the family pension, which was to be paid to the mother of the petitioner during her lifetime on account of the death of her father in harness.

7. The respondent no.4, Managing Director, North Bihar Power Distribution Company Limited, for the said reason, will not delay in making payment of retiral dues of the deceased employee to his biological sons, if any, and daughters beyond the period of six weeks in accordance with law.

8. In case of failure, petitioner is at liberty to take appropriate legal action against respondent no.4.

9. With aforesaid observations and direction, the writ petition stands disposed of.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.10.2023
Transmission Date	NA

