

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12180 of 2023

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Kavita @ Kabita Devi W/o Late Rameshwar Prasad Yadav, Resident of
Village - Bagnagar Ward No. 01, P.S. - Jokihat (Mahalgaon) District Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Water Resources, the Government of Bihar, Patna.
2. The District Magistrate, Araria.
3. The Chief Engineer, The Department of Water Resources, Purnea.
4. The Accountant General, Bihar, Patna.
5. The Executive Engineer, Irrigation Division, Koshi Project, Araria.
6. The Assistant Engineer, Irrigation Division, Koshi Project, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vijay Kishore Bharti, Advocate.
For the Respondent/s	:	Mr.Vinay Kiri Singh, GA-2
For the A.G.	:	Dr. Anand Kumar, Advocate.
		Dr. Ramesh Gupta, Advocate.
For the State	:	Mr. Sumant Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 31-10-2023 Heard Mr. Vijay Kishore Bharti, learned counsel

appearing on behalf of the petitioner, Mr. Vinay Kiri Singh,

learned GA-2 appearing on behalf of respondent, Dr. Anand

Kumar, learned counsel appearing on behalf of the Accountant

General and Mr. Sumant Kumar Singh, learned counsel

appearing for the State.

2. The relief relates for payment of family pension
to the petitioner. The brief facts as stated in the writ petition are
that the deceased employee has died having no issue from his
first wife, thereafter, he had entered into the matrimonial



relationship with the petitioner. The petitioner is blessed with four minor children.

3. Heard the parties. The law relating to payment of retiral benefits which have not been paid to the deceased employee is well settled, the biological sons and daughters of the deceased employee are entitled for the same in equal share 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* as well as by this Court in *CWJC No.12058 of 2021*.

4. So far as the claim of the pension of the petitioner is concerned, this Court finds it proper that the petitioner may approach the competent Civil Court for redressal of her grievance. The petitioner must first get declaration by the competent Civil Court for getting it established on the basis of records that she is the legally wedded wife of the deceased employee and her marriage took place with the deceased employee after he had divorced his first wife.

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. This writ application is accordingly disposed of with aforesaid direction.

(Purnendu Singh, J)

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