

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13037 of 2023

Indu Devi Wife of Late Raja Ram Singh Resident of Village and Post-Alawalpur, P.S.-Fathuha, District-Patna, Present Address-Resident of Mohalla-Naya Tola Gauri Chak, P.S.-Gauri Chack, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Director General of Police, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Nalanda.
4. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jay Prakash Singh, Advocate
For the Respondent/s	:	Mr. Manish Kumar, GP-4
For the AG Bihar	:	Mr. Chaitanya Swaroop, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 12-09-2023

Heard Mr. Jay Prakash Singh, learned counsel appearing on behalf of the petitioner; Mr. Manish Kumar, learned GP-4 appearing on behalf of the respondent and Mr. Chaitanya Swaroop, learned counsel appearing on behalf of the Accountant General, Bihar.

2. The petitioner has filed the present writ petition claiming herself to be the second wife of the deceased employee namely, Late Mr. Raja Ram Singh, who had retired on 01.12.1986, from the post of constable, in Nalanda district. The said deceased employee died on 15.02.2000, and his first wife died in the year 2018 and in these circumstances the petitioner,

who claims herself to be the second wife of the deceased employee, claims that, she is entitled for the family pension.

3. Learned counsel appearing on behalf of the State submits that, second marriage is void. The law relating to non entitlement of petitioner to receive family pension has already been settled by the Apex Court.

4. In want of substantial evidence, in support of the claim of the petitioner for her entitlement on the basis of her assertion that she is the second wife of the deceased employee, this Court finds that such disputed question of facts cannot be decided in writ jurisdiction.

5. The petitioner has remedy before the competent civil court for declaring herself to be the second wife of the deceased employee. However several government circulars, enables the biological sons and daughters of the deceased employee for the payment of retiral dues in equal share.

6. The petitioner may avail appropriate remedy before the competent civil court for redressal of her grievance as prayed for in the present writ petition.

7. With respect to the entitlement of biological son/s and daughter/s of the deceased employee, the concerned authority may consider, on the basis of evidence in that regard

and make payments in equal shares among biological son/s and daughter/s of the deceased employee if any dues has not been paid to the deceased employee.

8. With the above observations and directions, the present writ petition stands disposed of.

(Purnendu Singh, J)

Minu/-
Nilmani/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.09.2023
Transmission Date	