

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9643 of 2017

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1. Ishrat Jahan, widow of Late Tufail Ahmad Khan, Head Constable No. 811240113, C.R.P.F., 164 G. Coy. C.R.P.F.
 2. Shahjeb Khan, minor son of Late Tufail Ahmad Khan, Head Constable No. 811240113, C.R.P.F., 164 G. Coy. C.R.P.F.
 3. Afrain Shahin, minor daughter of Late Tufail Ahmad Khan, Head Constable No. 811240113, C.R.P.F., 164 G. Coy. C.R.P.F.

Both minor petitioners no. 2 and 3 are under the guardianship of their mother and natural guardian namely Ishrat Jahan, the petitioner no.1 and all are residents of Village- Sirbit, Post- Amaon, P.S.- Chainpur, District- Kaimur, at present residing at Village and Post- Pateri, P.S.- Chand, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, Lok Nayak Bhawan, New Delhi.
2. The Director General, Central Reserve Police Force, Block No.1, CGO Complex, Lodi Road, New Delhi-1
3. The Inspector General, NES C.R.P.F. Shillong Meghalaya.
4. The Deputy Inspector General (Welfare), Office of Director General, C.R.P.F., New Delhi- 110003.
5. The Deputy Inspector General of Police, Group Centre, C.R.P.F., P.O. Amerigog, Guwahati- 781023 Assam
6. The Commandant, 164 BN, C.R.P.F., Kokernag, Jammu and Kashmir C/o 56 APO.
7. The Branch Manager, State Bank of India, Chainpur Code No. 3360, Bhabua, District- Kaimur at Bhabua
8. Bukmun Nisa, widow of Late Tufail Ahmad Khan, Head Constable No. 811240113, C.R.P.F., 164 G. Coy. C.R.P.F. resident of Village- Sirbit, P.O.- Amaon, P.S.- Chainpur, District- Kaimur at Bhabua.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anjani Kumar Sinha No-1, Advocate.
For U.O.I.	:	Mrs. Kanak Verma, C.G.C.
For the SBI	:	Mr. Rakesh Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 25-04-2023

Heard Mr. Anjani Kumar Sinha No.1, learned
counsel appearing on behalf of the petitioner; Mrs. Kanak



Verma, learned C.G.C. for the Union of India and Mr. Rakesh Kumar Singh, learned counsel for the State Bank of India.

2. Learned counsel appearing on behalf of the petitioner informs this Court that so far as the retiral dues are concerned, the same has been paid to the respondent no.8 long back to the first wife of the deceased employee.

3. Petitioner's grievance is that she is also legally wedded wife of the deceased employee. She must be paid pension which has illegally been paid to the first wife (respondent no.8) of the deceased employee.

4. Be that as it may, this Court in writ jurisdiction cannot delve into the disputed question of fact as to whether the Petitioner is the legally wedded wife of the deceased employee and as she is entitled to pension to the exclusion of Respondent No. 8.

5. Recently, in ***Shubhas Jain Vs. Rajeshwari Shivam and Others*** reported in ***(2021) SCCOnLine SC 562***, in Paragraph No.26, the Apex Court has held hereunder:

“26. It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of facts. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable.”

6. In the light of above decision of the Apex Court



in view of the disputed question of facts in the present writ petition regarding deciding the fact as to whether petitioner is second wife is not maintainable.

7. The petitioner and respondent no.8, if so desire, they can amicably settle their grievance considering the fact that the petitioner is issue less or avail appropriate legal remedy before the civil court of competent jurisdiction.

8. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	03.05.2023
Transmission Date	N.A.

