

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15380 of 2023

=====

Bibi Shakila @ Bibi Shakila Khatun Wife of Late Sahadat Ali, resident of village - Arraha, P.S. - Madhepura, District - Madhepura, at present resident of mohalla - Madhepura, Ward No. 5, Nagar Prasad Madhepura, North of Kabristan, P.S. and District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Department, Govt. of Bihar.
2. The Accounted General of Bihar, Govt. of Bihar, Patna.
3. The District Magistrate-cum-Settlement Officer, Darbhanga, District - Darbhanga.
4. The Survey Settlement Officer, Darbhanga, District - Darbhanga.
5. The Treasury Officer, Darbhanga, District - Darbhanga.
6. The Survey Settlement Officer, Madhepura, District - Madhepura.
7. The Treasury Officer, Madhepura, District - Madhepura.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Parwej Khan, Advocate.
For the Respondent/s : Mr.Md. Khurshid Alam, AAG-12.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 06-11-2023

Heard Mr. Parwej Khan, learned counsel appearing

on behalf of the petitioner and Mr. Md. Khurshid Alam, learned

AAG-12 for the State.

2. The petitioner has filed the present writ petition

for the following reliefs:

“That, this is an application for issuance of writ of Mandamus or an appropriate writ for granting family pension to the petitioner as her husband namely Sahadat Ali is no more, who was employee of Govt. of Bihar on the post of Surveyor in Settlement Office, Darbhanga and got retired from his post from the office of Settlement Office, Darbhanga, and died on 25.06.1996 in the light of judgment passed on 26.08.2022 (Annexure- P/1) and also direct the respondents to pay arrear of family pension along with current family and other admissible retirement benefit for which the petitioner is entitle and/or for issuance of an appropriate writ(s)/order(s) or direction(s) for which the



petitioner is found legally entitle.”

3. The law is well settled that in case of dispute between two wives 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.

4. So far as retiral benefits which have not been paid to the deceased employee, the same is required to be distributed in equal shares among the biological sons and daughters of the deceased employee who have taken birth from the first wife as well as second wife.

5. The above exercise is directed to be carried out by the concerned respondent within a period of six weeks from the date of communication of this order in accordance with the government circulars.

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

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	08.11.2023
Transmission Date	N.A.

