

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16736 of 2022

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Ram Sevak Ram Son of Late Kishuni Mahto, Resident of Village- Pachtaki, Warde No. 04 P.O.- Pachtaki Yadu, P.S.- Kbairgania, District -Sitamarhi, At present residing Mohalla- Punaichak, P.S. Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Labour and Employment, Government of Bihar, Patna.
2. The Principal Secretary, Department of Labour and Employment Government of Bihar, Patna.
3. The Labour Commissioner, Bihar, Patna.
4. The Collector, Patna.
5. The Sub Divisional Officer, Sadar, Patna.
6. The Principal Accountant General, (Accountant and Entitlement) Bihar, Mahalekhakar Bhawan, Birchand Patel, Path, Patna-800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suresh Prasad Bhakta, Adv.
For the State	:	Mr. Raghwendra Kumar, SC 22
For the Accountant General	:	Mr. Binod Kumar Labh, SC (I.A. & A.D.)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 21-12-2023

Heard Mr. Suresh Prasad Bhakta, learned counsel appearing on behalf of the petitioner and Mr. Raghwendra Kumar, learned Standing Counsel-22 for the State. Accountant General, Bihar is represented by Mr. Binod Kumar Labh, learned counsel.

2. The petitioner, who superannuated after attaining the age of 60 years from the office of the Labour Commissioner, Bihar, Patna, has filed the present writ petition seeking a direction upon the respondent authorities to include the name of his second wife namely, Rita Devi in P.P.O. No. 201411162996 for fixation of family pension.



3. It is submitted on behalf of the petitioner that he was duly appointed way back in the year 1974 and after serving a satisfactory service superannuated on 31.01.2014. However, in the meantime, his first wife died on 14.04.2013 due to cardiac arrest. Subsequent thereto, the petitioner performed second marriage with one Rita Devi on 03.12.2019 as per Hindu rites and customs. After solemnisation of second marriage, the petitioner submitted an application before the Labour Commissioner, Bihar, Patna to consider his request and include the name of his second wife in the PPO issued in his favour, however, the same has not been done, thus he approached before this Court.

4. A counter affidavit has been filed on behalf of the respondent Nos. 1 to 3. Mr. Raghwendra Kumar, learned SC-22 drew the attention of this Court to the, “Family Pension Scheme for the State Government employees”, issued *vide* Finance Department letter as contained in Memo No. 9505 dated 03.10.1964, especially Note-2 of Clause 7 (ii) of the Scheme, which clearly stipulates: “marriage done after retirement will not be recognized for the purpose of this scheme”. It has also been clarified by Clause-12 thereof: “that the said Scheme is applicable to a person entering into the service on or after 1st



April 1964”.

5. Reliance has also been made on a judgment of the co-ordinate Bench of this Court in the case of **Indu Devi vs. The State of Bihar & Ors. (CWJC No. 7092 of 2016)**, decided on 14.11.2017, whereby the Bench while considering the identical matter has been pleased to hold as follows:-

*“.....6. Having considered the matter, the Court is unable to intervene for the reason that the policy of the State Government does not permit payment of family pension to the second wife. In the present case, admittedly, the petitioner herself claims to be the second wife and just because the first wife has died, her status will not change and she will not become the first wife, though she may be the only wife/widow now living.
7. In view of the aforesaid provision, no relief can be granted to the petitioner and accordingly, the writ petition stands dismissed.”*

6. Considering the submissions advanced on behalf of the parties and after going through the Pension Scheme noted hereinabove, this Court does not find any merit in the present writ petition and accordingly the present writ petition stands dismissed.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	22.12.2023
Transmission Date	

