

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.730 of 2023

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Smita Sinha @ Smita Rani D/o Late Dinesh Kumar Sinha, R/o Flat No. 101,
Gauri Gopal Shree Apartment, North Mandiri, P.S. - Buddha Colony, District
- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Special Secretary, Home (Special), Home Department, Govt. of Bihar.
2. The Commandant General, Bihar Home Guard, Chajjubagh, P.S. Gandhi Maidan, Patna, Bihar.
3. The District Commandant, Bihar Home Guard, Jehanabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyam Kishore, Advocate
For the Respondent/s : Mr. Md. Nadim Seraj (GP5)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 03-05-2023 Heard Mr. Shyam Kishore, learned counsel

appearing on behalf of the petitioner and Mr. Md. Nadim Seraj,

learned counsel appearing on behalf of the respondents.

2. Petitioner is a separated daughter and has claimed
for family pension on account of death of the deceased
employee (late Dinesh Kumar Singh), who had retired as
Inspector of Home Guard, Jehanabad on 31.01.2001 and died on
15.02.2015. The wife of the deceased employee namely, Smt.
Veena Sinha was being paid family pension and she also died on
03.07.2021.

3. It is the case of the petitioner that she being a
divorcee lady became dependent of the deceased employee and



also entitled for family pension.

4. The record reveals that the petitioner had not submitted the divorce certificate in spite of the fact that the communication was made by the District Commandant, Bihar Home Guard, Jehanabad vide memo no.66 dated 12.01.2022.

5. Learned counsel appearing on behalf of the petitioner submits that the petitioner may be given some time to submit the divorce certificate.

6. Learned counsel appearing on behalf of the State submits that in the light of statements made in paragraph nos. 11, 12 and 13 of the counter affidavit filed on behalf of respondent no.2, the petitioner had been repeatedly asked to furnish the divorce certificate, which are essentially required for grant of family pension to the petitioner, in the light of resolution no.69/2018-918 dated 25.10.2018 of the Finance Department, Government of Bihar.

7. Considering the admitted position that in the light of resolution no.69/2018-918 dated 25.10.2018(*supra*), requisite criteria for getting benefit of the family pension by a divorcee daughter, divorce certificate/judgment/decreed is required to be furnished to avail such claim. Petitioner is directed to comply with the communication made by the respondents by



furnishing the divorce certificate/judgment/decree. The authorities must pass an appropriate order so that the petitioner may receive family pension.

8. The concerned authorities must take into account that Matrimonial case no.104/2021 for the mutual divorce is pending in the competent family court.

9. With the above observation and direction, the present writ application is disposed of.

(Purnendu Singh, J)

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