

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.632 of 2019

Manti Devi W/o Late Chandrika Rajak, Resident of Village- Jangal Beldari
Budhaul, P.S. Gonawan, District- Nawada.

... .. Petitioner/s

Versus

1. Punjab National Bank Through Zonal Manager and Ors Punjab National Bank Through Zonal Manager and Or Zonal Office, P.N.B. Chanakya Tower, R.Block, Patna
2. The Circle Head Circle Office, P.N.B. Ramchandrapur, Bihar Sharif, Nalanda.
3. The Branch Manager, Punjab National Bank, Rajauli Branch, Nawada.
4. Chinta Devi Chandrika Rajak At Mohalla- Ram Nagar, Nawada, P.S.- Nawada, Dist- Nawada

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar Sinha, Advocate
For P.N.B.	:	Mr. Dr. Pankaj, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 05-01-2024 Heard Mr. Birendra Kumar, learned counsel appearing on behalf of the petitioner, Dr. Pankaj, learned counsel for the Punjab National Bank and Mr. Sanjay Kumar sinha, learned counsel for the private respondent no. 4.

2. The petitioner, claiming herself to be wife of late Chandrika Rajak, filed the present writ petition seeking a direction upon the respondents to ensure payment of all the retiral dues including the family pension on account of she being first wife of the erstwhile employee.

3. It is submitted that the deceased Chandrika Rajak was appointed as Daftary on 09.05.1981 having provident fund no. 48512 in the Punjab National Bank. He was posted in



branch office, Rajauli, Bihar Sharif circle of the respondent bank and after serving for 33 years of qualifying service of the respondent bank, he took voluntary retirement on 17.02.2017. Accordingly his pension was fixed as per proviso to Regulation - 29 of Punjab National Bank (Employees') Pension Regulation, 1995.

4. After completion of all the paraphernalia, the pension was commenced since 18.02.2017, however, soon thereafter, the erstwhile employee expired on 05.01.2018.

5. From the materials available on record it is evident that deceased employee had nominated the name of respondent no. 4, Chinta Devi as his wife as per the service book as well as bank records and thus after the death of the erstwhile employee, she has been getting family pension.

6. It is further submitted on behalf of the petitioner that she being first wife of the deceased employee, has had the right to get all the retiral benefits as well as family pension but the same has been denied only because of some matrimonial dispute between the erstwhile employee and the petitioner.

7. Learned counsel further submits that during the life time of the erstwhile employee, the petitioner had filed a Miscellaneous Case No. 03 of 1999/ Trial No. 280/ 02 before the Court of learned Judicial Magistrate, Nawada under Section 125 of the Code of Criminal Procedure, wherein the petitioner



was allowed maintenance of Rs. 500/- per month, vide judgment dated 11.03.2002.

8. Referring to the aforesaid judgment, he submitted that in the said case, the erstwhile employee himself admitted that the petitioner is the legally wedded wife, however, on the intervention of the Panches, he had broken up the relation and solemnized another marriage and, thus the petitioner cannot be deprived from her entitlement, without there being any judicial separation or divorce.

9. On the other hand, learned counsel for the respondent no. 4 has submitted that the marriage of the respondent no. 4 with the erstwhile employee was solemnized in the year 1980, even before his appointment and at no point of time the petitioner has made any objection, as the marriage was solemnized with the consent of all the parties.

10. He further submitted that the petitioner's husband took voluntary retirement in the year 2017 and died on 05.01.2018 but the petitioner never raised her claim during his lifetime and after his death the present writ petition has been filed.

11. A separate counter affidavit has been filed on behalf of the respondent, Punjab National Bank, stating therein that the respondent no. 4 was nominated as the nominee and after the death of erstwhile employee, family pension has been



released in her favour.

12. At this juncture, learned counsel representing the petitioner as well as respondent no. 4 submit at the Bar that they have amicably settled the matter and if the respondent no. 4 shall apportion 25% of her family pension in favour of the petitioner, she would be satisfied.

13. Considering the settlement between the parties, and taking note of the fact that the erstwhile employee had never refuted the fact that the petitioner is not his wife, this Court deems it proper to dispose of the writ petition with a direction to bank authorities especially, respondent no. 4 to ensure the payment of 25% of the family pension to the petitioner and 75% of the pension to the respondent no. 4 in view of the settlement arrived at before this Court and for the ends of justice.

14. Needless to observe, after the death of any of the parties, the respondent Bank, shall proceed in accordance with its regulation governing the pension/ family pension.

15. Accordingly, the present writ petition stands disposed of with the aforesaid observation and direction.

(Harish Kumar, J)

supratim/-

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