

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.838 of 2022

Geeta Devi W/o-Late Chandra Kishore Sharma, Resident of Mohalla-Bhartiganj Pathan Toli, Ward No. 22, P.S.-Sasaram Nagar, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Director General of Police Patna. Bihar Office at Old Secretariat Patna.
2. The Inspector General of Police Bihar, Patna Old Secretariat Patna.
3. The Superintendent of Police Deoghar Jharkhand
4. The Dy S.P. of Police Deoghar Jharkhand

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vikalp, Advocate

For the State : Ms. Babita Kumari, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 28-10-2024 Heard the parties.

2. The petitioner claims to be the second wife of the erstwhile employee has invoked the jurisdiction of this Court, seeking a direction upon the concerned respondent to ensure payment of family pension and other retiral benefits/dues.

3. Learned Advocate for the petitioner contended that while the husband of the petitioner was posted on the post of Sub-Inspector during the service period his first wife died and thereafter, the erstwhile employee solemnized the second marriage with the petitioner. Being the legally wedded wife, the petitioner approached before the concerned respondent authorities to include her name in the pension book and accord the benefits including the family pension. Despite several



representations filed on behalf of the petitioner, the same has not been considered till date. Thus, left with no option, the petitioner approached before this Court.

4. At this juncture, learned Advocate for the State submits that apart from the petitioner being second wife, it has not been disclosed in the writ petition as to when the first wife died and the second marriage has been solemnized. Moreover, the petitioner was the employee under the State of Jharkhand, and, as such, the writ petition being not maintainable. Though, it was not refuted that he was getting pension from the Treasury Office of Sasaram.

5. So far the submissions of the State respondent to the extent of having no territorial jurisdiction does not find any merit consideration, in view of the settled position that if a part of the cause of action arises within the territorial jurisdiction of the High Court, the same shall very well be considered by the High Court, within whose jurisdiction, the part of the cause of action has arisen, if the petitioner is successfully established that a legal right claimed by him has been infringed by the respondent within the territorial limit of the Court's jurisdiction.

6. In an identical matter, in the case of *Shanti Devi @ Shanti Mishra Vs. Union of India and Ors.*, reported in (2020)



10 SCC 766, where the writ petition was dismissed on the ground of lack of territorial jurisdiction and duly affirmed by the learned Division Bench, nonetheless the retired employee had been getting pension from the State Bank of India, Darbhanga, the Hon'ble Supreme Court while setting aside the decision of the Patna High Court has held in paragraph no. 32:

“32. As noted above, the learned Single Judge has also observed that the petitioner ought to have filed the writ petition in the Jharkhand High Court where his earlier writ petition was pending. The earlier writ petition which was initially filed in 2006 in the Patna High Court was for refund of the amount as noted above. After dismissal of the writ petition by the Patna High Court on the ground of lack of territorial jurisdiction, Shri B.N. Mishra had filed Writ Petition No. 4930 of 2013 in the Jharkhand High Court for the relief which was claimed in Writ Petition No. 13955 of 2006. As noted above, the cause of action for filing Writ Petition No. 5999 of 2014 was entirely different. Stoppage of pension and asking for refund of more than Rs 8 lakhs amount had serious adverse effect on the petitioner, who was staying at his native place Darbhanga. A retired employee, who is receiving pension, cannot be asked to go to another Court to file the writ petition, when he has a cause of action for filing a writ petition in the Patna High Court. For a retired employee convenience is to prosecute his case at the place where he belonged to and was getting pension. The submission of the learned counsel for Respondents 1 to 3 on principle of forum non conveniens has no



substance.”

emphasis supplied

7. In that view of the matter, considering the grievance of the petitioner, it would be apt and proper to dispose off the writ petition with a direction to the respondent nos. 2 and 3 to consider the grievance of the petitioner, as has been disclosed in her representation dated 06.09.2021, the copy of which is marked as Annexure-2 to the writ petition and pass reasoned and speaking order, preferably within a period of four weeks, from the date of receipt/production of the copy of this order.

8. The writ petition stands disposed off.

(Harish Kumar, J.)

Jyoti Kumari/-

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