

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7348 of 2022

Lago Devi

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeet Kumar, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar, Advocate
For the A.G.	:	Dr. Anand Kumar, Advocate
		Mr. Rajan Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-01-2024 Heard Mr. Sanjeet Kumar, learned counsel appearing on behalf of the petitioner and Mr. Sanjay Kumar, learned counsel appearing on behalf of the State. Learned counsel for the Accountant General, Bihar, Patna is also present.

2. Admittedly the petitioners are second wife and sons of Late Suresh Das, who superannuated on 31.12.2016, while working on the post of Electric Assistant and subsequently died on 16.02.2021, have filed the present writ petition seeking a direction upon the respondents to apportion the family pension of the erstwhile employee. Further prayer has been made for quashing of the order contained in memo no. 395 dated 20.09.2021 issued by the Executive Engineer (Mechanical) Irrigation Electric-cum-Mechanical Division, Balmi, Patna.

3. Counter affidavits have been filed on behalf of respondent no. 1 to 3 and respondent no. 4. Apart from the



submissions made on behalf of the learned counsel for the State that the petitioners being second wife and the major sons of the erstwhile employee, they are not entitled to get retiral benefits including family pension in view of the statutory rules and the mandate of this Court, it is evident that the erstwhile employee had never taken any permission from the department for solemnizing the second marriage nor any information has ever been given to the department. The service book and the official record only discloses the name of the first wife, Bhagwati Devi as the nominee.

4. Moreover all the post retiral dues approximately rupees nineteen lakhs has already been paid to the erstwhile employee after his retirement, out of which rupees two lakhs have been paid to the petitioners.

5. It is further submitted on behalf of the petitioners that under the law, in any circumstances, the petitioner no. 2 and 3 being son of the erstwhile employee, though from the second wife, but they are entitled to get their interest over the property of the erstwhile employee and thus the learned counsel for the petitioners tried to convince this Court.

6. Be that as it may, this Court does not find any merit in the present writ petition, which is only confined to family



pension.

- 7. Accordingly the same stands dismissed.
- 8. The petitioners have other remedies available under the law.

(Harish Kumar, J)

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