

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4189 of 2021

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Lalit Kumar S/o Late Lakshmi Nath Jha, Resident of Village and Post-Deokuli, P.S. Bahadurpur, District-Darbhangha, Bihar, currently residing at House NO. S-181, Pandav Nagar, Opp. Akshardham, Delhi-110 092.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Main Secretariat, Patna-800 015.
2. The Chief Secretary, Govt. of Bihar, Main Secretariat, Patna-800 015.
3. The Additional Chief Secretary (Home), Govt. of Bihar, Sardar Patel Bhawan, Jawaharlal Nehru Marg, Rajbansi Nagar, Patna-800 023.
4. The Principal Secretary (Home), Govt. of Bihar, Sardar Patel Bhawan, Jawaharlal Nehru Marg, Rajbansi Nagar, Patna-800 023.
5. The Special Secretary (Home), Police Department, Govt. of Bihar, Sardar Patel Bhawan, Jawaharlal Nehru Marg, Rajbansi Nagar, Patna-800 023.
6. The Principal Secretary (Finance), Govt. of Bihar, Old Secretariat, P.O. Sachivalaya, Patna-800 015.
7. The Additional Chief Secretary (Finance), Govt. of Bihar, Old Secretariat, P.O. Sachivalaya, Patna-800 015.
8. The Principal Accountant General (A and E), Mahalekhakar Bhawan, Veer Chand Patel Road Area, Patna, Bihar-800 001.
9. The Deputy Accountant General (Pensino and Funds), Mahalekhakar Bhawan, Veer Chand Patel Road Area, Patna, Bihar-800 001.
10. The Director General of Police, DGP Office, Sardar Patel Bhawan, Jawaharlal Nehru Marg, Rajbansi Nagar, Patna, Bihar 800023.
11. The Additional Director General of Police (HQ and Legal), Old Secretariat, P.O. Sachivalaya, Patna-800 015.
12. The Financial Advisor, Office of the Director General of Police, Jawaharlal Nehru Marg, Rajbansi Nagar, Patna, Bihar 800023.
13. The Commissioner, Darbhanga Division, Hanuman Mandir Road, PWD Colony, Laheriasarai, Darbhanga, Bihar-846 001.
14. District Magistrate, District Darbhanga Collectorate, PWD Colony, Laheriasarai, Darbhanga, Bihar-846 001.
15. The Treasury Officer, District Treasury Office, Collectorate, PWD Colony, Laheriasarai, Darbhanga, Bihar-846 001.
16. The Director, Provident Fund, Directorate of GPF, Government of Bihar, 5th Floor, Pant Bhawan, Hartali More, Bailey Road, Patna, Bihar.
17. Government Provident Officer (GPFO), GPF Office, Darbhanga, Bihar.
18. Officer Incharge, Personal Claim settlement Branch, Finance Department, Annexe Block-III, Old Secretariat, P.O. Sachivalaya, Patna-800 015.
19. The Section Officer cum Incharge, File No. VYAKTIGAT DAVA



NIVARAN KOSANG/23/BPS-26/08-1289 (23), Patna dated 30.05.2011 in the name of Sh. Lakshmi Nath Jha, Retd. Dy. S.P., BMP-12, Saharsa, Bihar, through Additional Chief Secretary (Home), Govt. of Bihar, Sardar Patel Bhawan, Jawaharlal Nehru Marg, Rajbansi Nagar, Patna-800 023.

20. Deputy General Manager, Local Head Office, State Bank of India, South Gandhi Maidan, Raja Ji Salai, Dujra Diara, Patna, Bihar, 800 001.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13, Advocate
Mr.Sudhakar Kr. Jha, Advocate
For the Respondent/s : Mr.Sheo Shankar Pd., SC-8
For Bank : Mr.Sanjeev Kr., Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 13-11-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(I) Mandamus commanding the respondent authorities for not paying/releasing the death claim/benefits including family pension, provident fund, Ex gratia, provisional pension and other retirement benefits in lieu of death of father of the petitioner namely Late Lakshmi Nath Jha, who died on 25.06.2020 at Sir Ganga Ram Hospital, New Delhi, to a third person namely Ms. Puja Devi, claiming to be his legally wedded wife, inasmuch as the fact is that Mrs. Lal Pari Devi is the legally wedded wife and Ms. Puja Devi is not legally wedded wife however, the father of petitioner had superannuated on 31.07.2009 and pension was drawn by him vide PPO No.: 201011021199 [PENo.: 02PEN070611020262/201011021199P1].

(II) Mandamus commanding the respondent



authorities to delete/remove/eradicate/obliterate/strike out the name of Ms.Puja Devi from the Pension Paper/PPONo.:201011021199 PENO.:02PEN070611020262/2010 11021199P1], issued in the name of the father of petitioner namely Late Lakshmi Nath Jha, under the signature of the respondent authorities, inasmuch as the Bihar Government Servant conduct Rules, 1976, Bihar and Orissa Subordinate Services (discipline and Appeal) Rules, 1935/Civil Services (Classification, Control and Appeal) Rules, 1930/Bihar Pension Rules, 1950/The Notification No.-3/RI-101/63-8051-A dated 03rd July, 1963 adopting the Civil Services (Classification, Control and Appeal), Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 and also the Constitution of India and other applicable Rules and Regulations do not provide for claim of family pension, provident fund, Ex gratia, provisional pension and other retirement benefits, by any third person.”

2. At the outset, the learned counsel for the respondent-State has submitted by referring to the supplementary counter affidavit filed in the present case that Late Lakshmi Nath Jha had filed an application on 12.08.2008, before the Superintendent of Police (Vigilance Investigation Bureau), Patna and had requested that since his first wife had



died in the year 1983, he has re-married with one Ms.Puja Devi in the year 1984, hence her name be endorsed in the service book, whereafter the Superintendent of Police (Vigilance Investigation Bureau), Patna had ordered to endorse the name of Ms.Puja Devi in the service book, vide memo dated 12.12.2008. It is further submitted that thereafter, the said Ms.Puja Devi is getting family pension w.e.f 26.06.2020, i.e. subsequent to the death of Late Lakshmi Nath Jha, hence the present writ petition has been rendered infructuous.

3. Considering the aforesaid aspect of the matter, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to avail such other remedies as are otherwise available under the law for redressal of his subsisting grievance, if any. Liberty so sought is granted.

4. The writ petition stands dismissed.

(Mohit Kumar Shah, J)

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