

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3857 of 2025

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Manju Devi W/o Late Gaya Lal Resident of Mohalla-Ward No 4 G.B. Road
Jai Prakash Narayan Hospital, P.S. Kotwali District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate Gaya.
2. The Civil Surgeon Cum Chief Medical Officer, Gaya.
3. The Superintendent, Jai Prakash Narayan Hospital, Gaya.
4. Deputy Superintendent, Jai Prakash Narayan Hospital, Gaya.
5. The Accountant General Patna. Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.
For the Respondent/s : Mr. Government Pleader (4)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 19-09-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner submits that the petitioner is second wife of the deceased husband and first wife has already died leaving behind 02 sons and 03 daughters. This petitioner, who is second wife has 02 sons, aged about 19 years and 18 years.

3. It has next been submitted that the marriage of this petitioner was solemnized after death of first wife and out of said wedlock only two sons are born and, therefore, she is entitled to family pension.

4. On the other hand, learned counsel for the State



submits that they have received application from the surviving members, who are said to have taken birth, out of wedlock of first wife and deceased husband.

5. At this stage, learned counsel for the petitioner and State, in order to resolve the issue, submits that the petitioner may be directed to file a representation appending the details of all such surviving members of the deceased employee, who are said to be legitimate, including the bona fide claim of this petitioner, showing entitlement of family pension in her favour.

6. On filing of such representation with appropriate details, respondent no. 2, Civil Surgeon-cum-Chief Medical Officer, Gaya, be obliged to issue notice to all concerned and after securing attendance of all such members will take final decision in this case within a period of eight weeks. While doing so, respondent no. 2 shall take into account the fact that the petitioner being a second wife, having contracted marriage after the death of first wife, and his name appears in the H.R.M.S. Form, which pertains to employee's service detailed report, appended at Annexure-P/1, at page-9, clearly shows the mandate in favour of second wife for grant of family pension.

7. Be that as it may, it is expected that while exercising the power to grant family pensions, the respondent



no. 2 will take into account the applicable Government circulars and the entitlement of other family members, who are said to be legitimate child of the deceased employee, and on finding their eligibility and ascertainment of their entitlement, necessary order shall be passed in accordance with law, within a period of eight weeks.

8. At this stage, learned counsel for the petitioner submits that upon death of the deceased husband of the petitioner, the petitioner being the legally wedded wife of the deceased employee, is entitled for compassionate appointment. Respondents are accordingly directed to accept the application form and process the same in accordance with law and as also the guidelines issued in this behalf.

9. Accordingly, the instant writ petition is disposed of.

(Ajit Kumar, J)

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