

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5022 of 2024

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Kishori Sinha Wife of Basuki Nath Singh @ Basuki Nath, Resident of
Village- Marwa, P.S. and District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary General Administration
Department, Govt. of Bihar.
2. The District Magistrate, Lakhisarai, P.S. and District- Lakhisarai.
3. The Circle Officer, Surjagarha, P.S.- Surajgraha, District- Lakhisarai.
4. Basuki Nath Singh Son of Bindeshwari Prasad Presently posted as Revenue
Clerk, Suryagraha Block, P.S.- Suryagraha, District- Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dr. Anjani Pd. Singh, Adv. Mr. Sunny Kumar, Adv. Mr. Saurav Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Manoj Kumar Sinha, AC to SC-19
For the Respondent No.4:	:	Mr. Ranjan Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 05-08-2025 1. Heard learned counsel for the petitioner, learned

AC to SC-19 and the learned counsel appearing on behalf of the

respondent no.4.

2. The petitioner and the respondent no.4 are husband
and wife but then the relationship in between the petitioner and
the respondent no.4 (husband) is strained for the last 25-26
years. The respondent no.4, during subsistence of his marriage
with the petitioner, performed his second marriage with one
lady, namely, Archana Sinha. It is submitted that from the
wedlock of the respondent no.4 with Archana Sinha, three



daughters were born. It is also submitted that from the first marriage, there are no children. The petitioner, who is legally wedded wife of the respondent no.4 has filed the instant writ application for adding the name of the petitioner in the pension paper of her husband, who retired on 31.05.2023 as Class-III employee, further, for a direction to pay 1/3rd of the retiral dues which the respondent no.4 will receive and for payment of maintenance which is due since 01.06.2023. At this stage, the learned counsel appearing on behalf of the respondent no.4 submits that no doubt the respondent no.4 retired on 31.05.2023 but then his pension has not started till date, on account of the dispute, which arose in between him and the petitioner. It is also submitted that an objection was raised from the office of the Accountant General that for starting the pension, joint photographs of the respondent no.4 and his first wife is required. It is submitted that the respondent no.4 and the petitioner were called at the office of the Circle Officer, Suryagraha, from where the respondent no.4 had retired for clicking pictures of respondent no.4 with the petitioner. At this stage, the learned counsel appearing on behalf of the petitioner submits that petitioner and the respondent no.4 had gone to the Office of the Circle Officer, where their photographs has been clicked for



sending it to the Office of the Accountant General but then he has no instruction whether the photographs have been sent to the Office of the Accountant General or not.

3. At this stage, the learned counsel appearing on behalf of the petitioner further submits that petitioner had also filed Maintenance Case No. 5M/1992 in the Court of learned Principal Judge, Family Court, Jamui, seeking maintenance from the respondent no.4. It is submitted that Maintenance Case No. 5M/1992 was decided by an order dated 10.04.2013, whereby the respondent no.4 was directed to pay a monthly maintenance, as recorded in the order. It is submitted that in terms of the order dated 10.04.2013, in Maintenance Case No.5M/1992, the petitioner now is entitled to receive a monthly maintenance of Rs.8000/-. It is submitted that petitioner has received the amount of compensation till 31.05.2023 but thereafter not a single penny has been paid, on which, the learned counsel appearing on behalf of the respondent no.4 submits that the moment the pension of the respondent no.4 starts, the entire dues shall be cleared within a period of 15 days from the date, on which the pension is released and the respondent no.4 will also start paying the monthly maintenance.

4. The learned counsel appearing on behalf of the



petitioner submits that since respondent no.4 is ready to clear all the arrears of maintenance within 15 days from the date when his pension is released and thereafter shall be paying the current maintenance, as such, the writ application can be disposed of.

5. After hearing the learned counsel for the parties and taking into consideration the submissions made by the learned counsel appearing on behalf of the respondent no.4, the writ application is disposed of with a direction to the respondent no.4 to ensure that the arrears of maintenance of the petitioner is cleared within a period of 15 days from the date when the pension starts and the respondent no.4 thereafter shall keep paying the monthly maintenance, in terms of the order passed by the learned Principal Judge, Family Court, Jamui in Maintenance Case No.5M/1992.

6. The writ application stands disposed of with the aforesaid direction.

(Satyavrat Verma, J)

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