

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9958 of 2025

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Sudama Devi @ Sudha Devi, Wife of Late Sudhir Kumar Sinha, Resident of Village-Mehush, P.S. Mehush, District-Sheikhpura, Presently Resided at House of Rajiv Kumar, B.M.P.-10, New Capital, P.S. Shastri Nagar, Town and District-Patna.

... .. Petitioner/s

Versus

1. The Chairman Cum Managing Director, Bihar State Power Holding Corporation Limited, Bihar, Bidhyut Bhawan, Bailey Road, Patna.
2. The Account Officer (Pensionary Benefits) Bihar State Power Holding Corporation Limited, Bihar, Bidhyut Bhawan, Bailey Road, Patna.
3. Managing Director, Bihar State Power Holding Corporation Limited, Bihar, Bidhyut Bhawan, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhilesh Dutta Verma, Adv.
For the Respondent/s : Mr. Vivek Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 25-07-2025

Heard the parties.

2. At the outset, learned Advocate for the petitioner seeks permission to make the General Manager, Finance, Bihar State Power Holding Corporation Limited as party respondent no. 4.

3. Let the same be done in course of the day.

4. On the last occasion when the matter was taken up, this Court has taken note of the relevant facts and directed the concerned respondents to take all endeavors to resolve the dispute, if any occurred on account of mismatch in the name, keeping in mind there is no rival claimant. For the proper



appreciation the earlier order dated 26.06.2025 is quoted hereinbelow:-

“Heard the parties.

2. The grievance of the petitioner is in limited bound that her family pension has been withheld on account of mismatch of her name with the Bank Account and the P.P.O. To resolve the dispute, pursuant to the letter no.573 dated 19.05.2025 issued by the Account Officer (Pensionary Benefits) Bihar State Power Holding Corporation, the petitioner physically appeared and submitted all the documents on 26.05.2025; however, till date family pension of the petitioner did not start, compelling her to approach this Court.

3. Pathetic condition of the petitioner has been demonstrated by submitting that apart from the fact that she is a disabled widow aged about 78 years, her only son, namely, Abhishek Kumar is also suffering from paralysis and under regular treatment of Doctor; hence, the petitioner has no means to survive, except family pension and not in a position to running around the authorities concerned.

4. In the aforesaid circumstances, this Court directs the concerned respondent to ensure filing of a counter affidavit, preferably within a period of four weeks from today.

5. In the meanwhile, the Account Officer (Pensionary Benefits) Bihar State Power Holding Corporation shall verify the documents furnished by the petitioner and take all endeavours to resolve the dispute, if any occurred on account of mismatch in the name, keeping in mind there is no rival claimant.



6. With this hope and expectation, let the matter be placed on 24.07.2025 within top ten cases.”

5. A counter affidavit has been filed on behalf of the respondents Bihar State Power Holding Corporation Limited. It has been apprised to this Court that in course of consideration of the claim, the pair photograph affixed on pension book, which was taken 25 years ago, found not feasible to match with the petitioner at present. The photograph of the petitioner affixed in her Voter Identity Card and in her Aadhar Card do not found identical to photograph affixed on the P.P.O.. The petitioner in the aforesaid premise directed to obtain a legal heir document/declaratory suit from competent Court of law to the effect that both Sudama Devi and Sudha Devi are the same person.

6. Learned Advocate for the petitioner urged that an affidavit in this regard bearing no. 3209 dated 12.03.2025 duly sworn before the Court of Executive Magistrate, Patna Sadar has been submitted before the authority concerned that Sudama Devi and Sudha Devi are one and the same person. The petitioner also submits that she is ready to submit indemnity bond for release of the death-cum-retiral benefits. Various letters, including the copy of the pass-book, certificate of the person with disabilities apart from the medical prescriptions



have been produced on record on behalf of the petitioner. Specific assertion has been made that in fact, there was a clerical mistake in her name in the pension book and the name of the petitioner has been noted down as Sudha Devi in place of Sudama Devi, which could not be corrected during the life time of her husband.

7. This Court having heard the learned Advocate for the respective parties and taking note of the fact that there is no rival claimant with respect to the death-cum-retiral benefit of erstwhile employee and the petitioner is the only person claiming herself as wife of the erstwhile employee, suffering from disability and a septuagenarian, who has been pursuing for her family pension before the authorities and this Court. She produced various documents and affidavit in order to satisfy the authority, but, till date, the documents produced by the petitioner could not satisfy the authorities concerned and lastly she has been asked to file declaratory suit, which in the opinion of this Court is not justifiable in the facts of the present case. It would be pertinent to observe that if there had been any claim lodged before the respondents from any quarter or any objection raised on behalf of any other claimant, the Court would have understood the necessity for obtaining a succession certificate or



necessity to get an order by filing a declaratory suit. The poor hapless petitioner is being unnecessarily harassed by taking an unreasonable stand and demanding legal heir document and go for a declaratory suit.

8. Considering the entire gamut of the matter, this Court directs the newly added respondent no. 4 to ensure monthly family pension and its arrears thereof in favour of the petitioner after obtaining the indemnity bond of Rs. 25,000/- with an undertaking that in case of any adverse order, she would be ready to return the amount.

9. In case of submission of the indemnity bond and an undertaking affidavit, the concerned respondent shall ensure payment of the family pension and other admissible arrears/dues preferably within a period of 3 weeks' thereafter.

10. The writ petition stands allowed.

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2025
Transmission Date	NA

