

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20415 of 2019

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Malti Devi W/o Om Prakash Chaudhary Resident of Village- Chatradhary
Hospital Chowk, P.S. Chapra Town, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Animal Husbandry Department, Patna.
2. The District Magistrate, Siwan.
3. Regional Director, Animal Husbandry Department, Chapra.
4. The District Animal Husbandry Officer, Siwan.
5. Om Prakash Chaudhary S/o Suman Chaudhary Resident of Mohalla- Gay Ghat, Gaurishankar Colony, P.S. Alamganj, District- Patna.
6. Girja Devi W/o Om Prakash Chaudhary Resident of Mohalla- Gay Ghat, Gaurishankar Colony, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Rajani Kumari
For the Respondent/s : Mr. Md. Khurshid Alam (Aag12)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

24 06-02-2026 Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. The instant writ application has been filed seeking a direction to the respondents to add the name of the petitioner in the Pension Payment Order (PPO). It is the case of the petitioner that she is the legally wedded wife of respondent no. 5, who was an employee of the Animal Husbandry Department, Siwan, holding the post of Peon and who retired from service on 30.11.2009. It is submitted that respondent no. 5 deliberately omitted the name of the petitioner from the PPO and instead



added the name of one Girja Devi, who had started living with the respondent no. 5 illegally, while the petitioner being the legally wedded wife, and her name was not added in the PPO, which is illegal and contrary to law.

3. Pursuant to the order passed by this Court, a supplementary counter affidavit has been filed on behalf of the respondent-State, duly sworn by the Joint Director, Headquarters, Animal Husbandry Department. In paragraphs 6 and 8 thereof, the State has made a categorical submission that the petitioner is the first wife of the deceased employee, whereas respondent no. 6, namely, Girja Devi, is the second wife, who had also retired from service from the Health Department on 31.12.2014 and is receiving pension by claiming herself to be the wife of the deceased employee, namely, Om Prakash Chaudhary. The relevant statements made by the State authorities are extracted hereinbelow:—

6. That in this regard, it is stated and submitted that the present petitioner is the 1st wife of the deceased employee, namely, Shri Om Prakash Choudhary and it is a matter of record that before the competent Court at Siwan she had filed a Maintenance Case No.36 of 2000 and on 28th of June, 2000 orders were passed for payment of maintenance to her and she was paid also in compliance therewith.

8. That, in fact, the private respondent 2nd wife i.e. Smt. Girija Devi was also a Government Servant



and she had superannuated from the services of the Health Department on 31.12.2014 and in her pension paper, name of Shri Om Prakash Choudhary was recorded as her husband.

4. On the other hand, learned counsel for the State submits that there is no dispute with regard to the entitlement of the petitioner, insofar as her claim is based on her status as the first wife of the deceased employee, and also does not dispute the order passed in the maintenance case no.36 of 2000 by the learned Family Court, Saran at Chapra.

5. Respondent no. 6 is represented by learned counsel, Mr. Amresh Kumar Singh, who submits that despite best efforts, he has been unable to contact the concerned respondent to obtain instructions pursuant to the order passed by this Court, and therefore prays that the matter may be adjudicated on the basis of the materials available on record.

6. Be that as it may, since the authorities have already adjudicated the issue and have filed an affidavit categorically holding the petitioner to be the first wife of the deceased employee, this Court is of the considered view that the petitioner is entitled to family pension in accordance with law. Accordingly, in the facts and circumstances of the case, the family pension and other retiral benefits admissible to the legal



heirs of the deceased employee shall be equally divided between the petitioner and respondent no. 6, and as such, the respondents are directed to pass appropriate orders in this regard within a period of two weeks from the date of receipt or production of a copy of this order.

7. With the aforesaid observations and directions, the instant writ application stands disposed of.

(Ajit Kumar, J)

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