

Most. Monarma Devi Vs. the State of Bihar and ors.

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Court : Patna

Decided On : Sep-25-2001

Judge : Shiva Kirti Singh, J.

Appeal No. : C.W.J.C. No. 10321 of 2001

Appellant : Most. Monarma Devi

Respondent : The State of Bihar and ors.

Disposition : Application Allowed

Judgement :

Shiva Kirti Singh, J.

1. Heard the parties.

2. The issue involved in this case is whether the petitioner who was the only widow entitled for family pension when the employee died during retirement will be entitled for half of the family pension or full family pension amount.

3. According to stand taken by State of Bihar on the basis of letter of Accountant General Bihar to the Treasury Officer, Patna, contained in Annexure-4 since the deceased employee had two wives, therefore, notionally the first wife was entitled for half of the family pension and since the first wife died issueless hence her notional share in family pension will revert to the State of Bihar and will not be

available to the other widow or issue of the deceased employee from the second widow.

4. The aforesaid stand of the State of Bihar is not based on any provisions of law. Factually also since at the time of death of the deceased employee the petitioner was the only widow with children it was not the case of two widows being available to share the proceeds the family pension. In such circumstances the claim of the petitioner to receive full family pension as per scheme of family pension must be allowed. The writ application is accordingly allowed. All the consequential benefits and arrears must be paid to the petitioner within three months from the date of production/communication of a copy of this order.

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