

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 1227 of 2025

Agnes Hemrom aged about 82 years, wife of Late Junash Hemrom,
resident of Village and P.O.-Kochedega, P.S.-Simdega, District- Simdega.

... .. Petitioner(s)

Versus

(1) The State of Jharkhand

(2) The Secretary, Department of School Education and Literacy at Project Building, Dhurwa, P.O.- Dhurwa, P.S.- Dhurwa, District-Ranchi-834004, Jharkhand.

(3) The Deputy Commissioner, Collectriate Building, Khunti, P.O.- Khunti, P.S.-Khunti, District-Khunti.

(4) The District Superintendent of Education Officer, Khunti, P.O. & P.S. Khunti, District-Khunti, Jharkhand.

(5) The Accountant General, (A & E), Bihar, P.O.-G.P.O., P.S.-Kothwali, District-Patna, Bihar.

(6) The Accountant General, (A & E), Jharkhand, P.O.-Doranda, P.S.-Doranda, District- Ranchi, Jharkhand.

... .. Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Ranjan Prasad Sinha, Advocate
Mr. Ravi Kumar Pandey, Advocate
Mr. Sanjeev Thakur, Advocate

For the Respondent(s) : Mr. Vineet Prakash, AC to SC-IV

Order No. 4/Dated: 15th April 2026

The instant writ application has been preferred by the petitioner praying therein for quashing of the office order as contained in Memo No. 811 dated 08.09.2023 (Annexure-4) issued by the District Superintendent of Education, Khunti. The petitioner has also assailed the enquiry report dated 18.12.2024 (Annexure-5) of the District Superintendent of Education by which the respondents have denied the family pension to the petitioner only on the basis of statement submitted by *Mukhiya* of the Gram Panchayat, Barkuli.

2. The grievance of the petitioner is that when her deceased husband, who was erstwhile employee of the respondent-organization, was getting

pension during his lifetime, then without any rhyme and reason and without giving any notice to this petitioner, the family pension has been rejected.

3. Learned counsel further refers to the enquiry report and submits that an internal enquiry was made by the respondents wherein they came to know that the petitioner is the second wife and as such they refused family pension; however, they have never given any notice. Learned counsel for the petitioner further submits that the first wife of the deceased husband died in the year 1960 and the petitioner got married with the deceased husband in the year 1961 and had there been any notice issued to the petitioner then the fact would have been brought before the concerned respondent. Accordingly, not extending the benefit of family pension to the petitioner is not correct.

4. In response to the above, learned counsel for the respondents submits that the petitioner being second wife during the lifetime of first wife is claiming pension which is illegal. However learned counsel fairly submits that as per record, no notice was issued to this petitioner.

5. From record also it does not transpire that any notice was ever issued to the petitioner.

6. The question as to whether the petitioner, who is the second wife of the deceased employee, married during the lifetime of the first wife or after death of first wife cannot be decided under Article 226 of the Constitution of India. On the other hand, no notice has been given to the petitioner before taking the decision for non-payment of family pension.

7. Accordingly, the instant writ application stands allowed. The impugned orders dated 08.09.2023 and 18.12.2024 are quashed and set aside. However the matter is remitted back to the 4th Respondent to issue notice to the petitioner and come to a factual finding as to whether the petitioner was married during the lifetime of first wife of the deceased employee or subsequently; and take an informed decision and if at all the decision is in favour of the petitioner, necessary arrear of family pension as

well as current pension and any other financial benefit for which the petitioner is entitled to, shall be paid to the petitioner. Since it is a case of senior citizen, as such, this exercise shall be completed within a period of 10 weeks from the date of receipt of copy of this order.

8. The instant writ application stands allowed in the aforesaid terms. Pending I.As, if any, also stand disposed of.

(Deepak Roshan, J.)

15th April 2026

Amit

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