

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S) No. 2072 of 2018

Baleshwari Devi, aged about 83 years, Wife of Late Dr. Prem Narayan Dwibedi, resident of Garh Mohalla, Garhwa, P.O. & P.S. Garhwa, District Garhwa, (Jharkhand).**Petitioner**

Versus

1. The State of Jharkhand.
2. The Principal Secretary, Department of Health, Medical Education and Family Welfare, Govt. of Jharkhand, Nepal House, Doranda, P.O. & P.S. Doranda, District Ranchi.
3. The Director of Health Services, Department of Health, Medical Education and Family Welfare, Govt. of Jharkhand, Nepal House, Doranda, P.O. & P.S. Doranda, District Ranchi.
4. The Deputy Secretary, Department of Health, Medical Education and Family Welfare, Govt. of Jharkhand, Nepal House, Doranda, P.O. & P.S. Doranda, District Ranchi.
5. The Regional Deputy Director of Health, Medini Nagar, Palamau, P.O.-Medininagar, P.S.-Kotwali
6. The Accountant General, Jharkhand, Ranchi, P.O. & P.S. Doranda, District Ranchi.
7. Accountant General, Bihar Patna, Birchand Patel Path, P.O.-G.P.O.-Patna, P.S. Patna Sadar, Patna-800001.
8. Smt. Arti Bhattacharya, R/o Vijay Singh Colony, Nai Mohalla, P.O. Daltonganj, P.S. Daltonganj Sadar, District- Palamau.

....**Respondents**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Om Prakash Tiwari, Advocate
For the Respondent(s) : Mr. Sahbaj Akhtar, A.C. to AAG-III
Mr. Amit Kumar Verma, Advocate

07/Dated:-19.01.2026

I.A. No. 12208 of 2025

1. This interlocutory application has been preferred by the petitioner praying therein for ignoring the defect(s), as pointed out by the registry.

2. Looking to the averments made in this application, I.A. No.12208 of 2025 is allowed and the defect(s), as pointed out by the registry, is hereby ignored.

W.P. (S) No. 2072 of 2018

3. The instant writ application has been preferred by the petitioner praying therein for the following relief:

For issuance of such writ/writs, order/orders, direction/directions commanding upon the respondents to pay the arrears of family pension amounting Rs.13,04,000/-(Rupees thirteen lacs four thousand only) due since the date of death of the petitioner's husband, who died on 31.7.2001 and also to pay the revised family pension from the date of death of the petitioner's husband in the light of the Succession Certificate issued by the competent court for which the petitioner has approached the respondent authorities several times by filing representations but the respondents have kept the matter pending for long without any valid and legal reasons;

4. It appears that earlier also the petitioner had preferred a writ petition No. 4097/2001 in which this Court vide its order dated 06.09.2001 gave liberty to approach the Director, Health Services, Government of Jharkhand, Ranchi on the condition that she will have to produce succession certificate for demanding the claim of payment of family pension in favour of the widow.

5. Pursuant to which the petitioner obtained the succession certificate from the court of Sub-Judge, Garhwa. Thereafter, she applied to the authority concerned but still she was not given the benefit which led to filing of Contempt Petition (Civil) No. 244/2005. This Court on 19.08.2006, on the submission of the counsel that the Sub-Judge, Garhwa was not competent to grant the succession certificate in view of section 371 of the Indian Succession Act and the second reason assigned was that the nominee in the family pension was not even named or impleaded, dropped the contempt proceedings.

6. Subsequently, the petitioner again filed a writ application being W.P. (S) No. 3093 of 2007 which was disposed of with the following direction:

“Be that as it may the counsel for the petitioner after arguing the same prays that at least the respondents should have taken a decision on merits and communicated to them. The respondent No. 2 is accordingly directed to take a decision and communicate the same by a speaking order within a period of two months from the date of receipt of a copy of this order.

This writ petition is accordingly disposed of without any order as to costs.

7. Thereafter, the petitioner approached the concerned respondent and was asked to produce a fresh succession certificate. The case of the petitioner is that thereafter, the petitioner again submitted fresh succession certificate issued by the Court of Competent Jurisdiction.

8. An averment has been made in Para 36 and 37 of the counter affidavit that the fresh succession certificate which was issued was of no use as the nominated wife for family pension died. For brevity, para 36 and 37 of the counter affidavit dated 25.07.2018 is extracted hereinbelow:

“36. That with regard to the statement made by the petitioner in paragraph-31, in the instant writ petition under reply, it is humbly stated and submitted that in compliance of the order of Hon'ble Court passed in W.P.(S) No. 3093/2007, the matter of family pension to the petitioner was considered at length and passed a reasoned order, duly communicated to the petitioner wherein she was requested to produce a succession certificate issued by the competent authority but the petitioner unable to produce such certificate until family pension ceased due to death of nominated wife of Late Dr. P.N. Duivedi who was getting family pension. Hence, the submission of the petitioner is misleading.

37. That with regard to the statement made by the petitioner in paragraph-32, in the instant writ petition under reply, it is humbly stated and submitted that the petitioner filed petition for obtaining succession certificate after 7 years of the order of the Hon'ble Court.”

9. The specific case of the petitioner is that she is the legally wedded wife; as such, she was entitled for family pension. It is true that disputed question of fact cannot be entertained by the writ court under 226 jurisdiction, however, the fact remains that fresh succession certificate has been produced; accordingly, the instant writ application is hereby disposed of by directing respondent No.3, who will go through the succession certificate

and will take a decision with regard to the payment of family pension to the petitioner/legally wedded wife within a period of 16 weeks.

10. With the aforesaid observation, the instant writ application stands disposed of. Pending I.A., if any, also stands closed.

(Deepak Roshan, J.)

January 19, 2026
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31/01/2026