

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.12 of 2014

In

LPA 1861 of 2011

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Musmat Sahodari Devi Aged 66 Years Widow Of Late Bal Mohan Singh
Resident Of Village Ramnagar, P.O. Salasla, P.S. Sonbarsa, District Buxar.

.... Petitioner

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Water
Resources Department, Sinchai Bhawan, Patna.

2. The Chief Engineer, Mechanical, Water Resources Department, Old
Secretariat, Barrack, Patna. (Now Shifted To 72/84, New Punai Chak,
Patna).

3. The Superintending Engineer, Irrigation Mechanical Circle, Water
Resources Department, Gaya Camp At Dehri, District Rohtas.

4. The Accountant General, Bihar, Birchand Patel Path, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ajay Kumar, Advocate

For the Respondents : Mr. Ashok Kumar

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

4 11-09-2015 This review petition has been filed against the order,

dated 22.11.2013, passed in L.P.A. No. 1861 of 2011.

Heard Mr. Ajay Kumar, learned Counsel, appearing

on behalf of the petitioner.

For the purpose of clarity, the order, under review, is

reproduced hereinbelow :

*“The appellant, the widow of one Bal Mohan
Singh, approached this Court in C.W.J.C. No. 11679 of
2011 for a direction to the respondents to grant promotion
to the said Bal Mohan Singh with effect from 1st April 1994*

and for consequential benefits. She also prayed for extension of the benefits of the Assured Career Progression with effect from 9th August 1989. The said Bal Mohan Singh, a Scrapper Operator under the Executive Engineer, Irrigation Mechanical Division, Dehri, on reaching the age of superannuation, retired from service in 2004 and died in 2008. Three years after his death, the appellant approached this Court in 2011 for the aforesaid reliefs. The learned single Judge has dismissed the writ petition. Therefore, this Appeal.

The promotion is a personal right, if any, accrued to a Government servant. If the Government servant did not claim such a right during his service or in life time, the appellant being the widow of the Government servant has no locus standi to claim such right.

Appeal is dismissed in limine.”

We do not find that the order, under review, suffers from any error apparent on the face of the order nor is the order against any provision of law.

It has been submitted, on behalf of the review petitioner, that the promotion is not merely a personal right, but a fundamental right of a Government servant. Even if the right of promotion is treated as a fundamental right, the fact remains that the person aggrieved was the husband of the petitioner and since the petitioner's husband, Bal Mohan Singh, had not raised any

grievance during his life-time as against the alleged denial of promotion or alleged omission to grant Assured Career Progression to him, we do not find that any right to sue survives, in the present case, in favour of the petitioner as the widow of Bal Mohan Singh.

For the foregoing reasons, this review petition stands dismissed.

No order as to costs.

(I.A. Ansari, ACJ)

(Ashwani Kumar Singh, J)

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