

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2369 of 2014

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Manorma Singh Wife Of Late Awadh Kishore Singh Resident Of Village
Kaparpurna (Hathawa Road), P.S. Mirganj District Gopalganj, Present
Address B161 Police Colony, Anishabad, Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary-Cum-Commissioner,
Road Construction Department, Bihar, Patna
2. The Deputy Secretary, Road Construction Department Bihar, Patna
3. The Chief Engineer (Traffic) South Bihar Up Bagh Road Construction
Department, Patna
4. The Executive Engineer Road Division, Road Construction Department,
Patna City At Gulzarbagh, Patna - 7
5. The Accountant General, Bihar ,Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Adv

For the Respondent/s : Mr. Pandey S Sahay SC-31

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

4 16-02-2015 Heard learned counsel for the parties as with

regard to the following relief prayed in this writ

application:-

"That the petitioner be granted family pension
Leave Salary, Gratuity, A.C.P. Benefit and
regularized the services of the petitioner's husband
on the post of Road Ballan Khalasi in the Road
Construction Department. Her husband services the
department and working on the post of work charged
establishment, Road Ballan Khalasi more than 26
years continuously petitioner must be entitled to get
family pension and other benefit which is liable to
paid the petitioner by the circular issued by the

finance department, Bihar, Patna." .

Having regard to the admitted position that the husband of the petitioner was not only a work charge employee till his death on 9.4.2013, this Court would find it difficult to issue any direction to the respondents to make payment of pension and/or family pension to the petitioner because an employee in the work charge establishment being not a permanent employee is not entitled for payment of pension in terms of Rule 58 read with Rule 61 of Bihar Pension Rules.

That being so, this writ application fails and is, accordingly, dismissed.

The dismissal of this writ application, however, will not come in the way of the petitioner in approaching this Court again for grant of same relief if the service of the husband of the petitioner in future is brought into regular establishment against a permanent post.

(Mihir Kumar Jha, J)

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