

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10174 of 2015

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Shail Devi, Wife of Late Ram Uday Sharma, Resident of Village- Belsaur,
P.S. Arwal, District- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary Health Department, Bihar, Patna.
2. The Chief Medical Officer, Gaya.
3. The Chief Medical Officer, Jehanabad.
4. The Incharge Medical Officer Kako, District- Jehanabad.
5. The Account General (A & E) Birchand Patel, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

4 03-08-2015

Heard learned counsel for the parties.

The present writ application has been filed seeking a direction to the respondents to pay pensionary benefits to the petitioner after the death of her husband who died in harness on 26.11.2012 while serving the department since 16.12.1984.

Learned counsel for the petitioner submits that though initially the husband of the petitioner was employed only for three months but somehow continued to work without any valid order of appointment and when the same was deducted his service was terminated.

It is submitted by learned counsel for the State that the husband of the petitioner moved before the Court and the writ was dismissed. The further challenge before the

Division Bench in L.P.A. was also not sustained. Learned counsel submits that in view of the finding that the service of the husband of the petitioner was ab initio void having been upheld by the Division Bench of this Court, the petitioner being the widow is not entitled to any family pension.

This Court finds substance in the submissions of learned counsel for the State.

Accordingly, the application stands disposed off.

(Ahsanuddin Amanullah, J.)

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