IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20609 of 2010

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Tara Devi W/O Late Rajendra Ram R/O Pandariva, Chhoti Mandir Gali, P.O-Madhav Mines, Patna City, Distt.-Patna

.... Petitioner

Versus

1. The State Of Bihar Through Secretary, Industry Department, Govt. Of Bihar, Patna
2. The Director Of Industries, Industries Department, Govt. Of Bihar, Patna
3. The Managing Director, Bihar State Handloom And Handicrafts Development Corporation, Udhyog Bhawan, Gandhi Maidan, Patna
4. The Chief Accounts Officer, Bihar State Handloom And Handicrafts Development Corporation, Udhyog Bhawan, Gandhi Maidan, Patna
5. The Director, General Provident Fund, Pant Bhawan, Patna
6. The Accountant General, Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Anil Kumar Gp11

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

6 07-07-2015 No one appears for the petitioner.

From the averments made in this writ application it would transpire that the husband of the petitioner was an employee as a Peon in Bihar Cottage Industries, Gulzarbagh on 30.4.1960. The husband of the petitioner became an employee of Bihar State Handloom and Handicrafts Corporation, Patna on 15.7.1975 and ultimately died on 30.3.2007. The grievance of the petitioner in this writ application is that the State Government ought to have paid full pension and other retirement benefit by treating her husband to be a Class IV employee of the State of Bihar.

The respondents having filed the counter affidavit have claimed that once the husband of the petitioner was transferred and absorbed in the services of Bihar State Handloom and Handicrafts Corporation he no longer could claim any benefit on the basis of his earlier temporary engagement in the services of the State Government. To that extent they have placed reliance on the Government decision dated 30.4.1976, as contained in Annexure 'A'.

On the other hand, the authorities of Bihar State Handloom and Handicrafts Corporation have explained in their separate counter affidavit that the husband of the petitioner on being absorbed in the services of the Corporation was working as a Peon for a period over 24 years and 8 months and was paid salary on prorate basis as per the order of the Apex Court for the period August, 1996 to April, 2000 to the tune of Rs.81,817/- against the dues of Rs.1,78,827/-. The Corporation has also explained that it has become defunct and the salary payment and other dues have not been made to any employee since last 15 years.

In that view of the matter, this writ application seeking relief for payment of retirement benefit of the husband of the petitioner as a Government servant must fail and is hereby dismissed but then nothing said in this order, however, shall come in the way of the petitioner in claiming the retirement benefit of her husband from the authorities of the Corporation as and when payment would be made to other similarly situated employees.

(Mihir Kumar Jha, J)

surendra/-

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