

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16924 of 2014

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1. Bharat Sanchar Nigam Limited, through the CMD, BSNL, Bharat Sanchar Bhawan, Janpath, New Delhi-1
 2. The CGMT. Jharkhand Telecom Circle, ARTTC Campus, H.B. Road, Ranchi.
 3. The Telecom District Manager, Bharat Sanchar Nigam Limited Dumka.
 4. The Divisional Engineer (A&P), O/o the Telecom District Manager, Dumka.

.... Respondents/ Petitioners

Versus

Babita Jha, wife of Late Sanjeev Kumar Jha, resident of Village & P.O. Pindaruch,
District Darbhanga

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Chandra Bhushan Prasad, Advocate.

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 05-04-2016

The challenge in the present Writ Petition is to the payment of provisional pensionary benefit to the applicant, the respondent herein. Her grievance is that her husband was a regular mazdoor but after his death, she is not being paid pensionary benefit for the reason that a criminal investigation was pending against her husband including some of the officers.

Once an employee is dead, the penal proceedings cannot proceed against him. Similarly, no departmental proceeding can

proceed against him. The proceedings thus stands abated. Admittedly, no chargesheet or enquiry proceeding was initiated during the life time of the deceased husband of the applicant.

Therefore, we do not find any error in the impugned order which warrants interference by this Court.

The Writ Petition is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Dilip/Anjani.

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