

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.78 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 22589 of 2012**

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Smt. Chandra Jyoti Devi @ Chanda Devi, Wife of Late Alakh Sharma, Resident of Village- Lahiyarchak Gonpura, P.O.- Alampur, Gonpura, Via- Phulwarisharif, P.S.- Phulwarisharif, District- Patna.

.... Petitioner/Appellant

Versus

1. The Union of India through Secretary, Ministry of Telecommunication, New Delhi.
2. The Chief General Manager, Bharat Sanchar Nigam Limited, Bihar Circle, Patna.
3. The Principal General Manager, Patna Telecom, District Office, Patna.
4. Deputy General Manager (Adm.) O/o P.G.M., Patna Telecom District Office, Patna.
5. Chief Accounts Officer, O/o C.G.M., BSNL Circle, Patna.
6. Accounts Officer, Banda, BSNL Circle Office, Patna.
7. Sri Surendra Nath Singh, Junior Accountant, O/o- BSNL, Patna Telecom District Office, Patna.

.... Respondents-Respondents

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Appearance :

For the Appellant : Mr. Rejesh Kumar and
Mr. Rajendra Sharma, Advocates.

For the Respondents : Mr.

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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: 01-04-2016

The challenge in the present Letters Patent Appeal is to an order dated 13.11.2013 whereby the respondent no. 7 was directed to pay Rs.5000/- per month to the appellant from 1st December, 2013 as maintenance.

The respondent no. 7 was appointed on compassionate ground after the death of the husband of the present appellant and



brother of the said respondent. One of the conditions of the appointment of Respondent No.7 was that he will maintain the appellant and her family. Since the respondent no.7 failed to maintain the family, the disciplinary proceeding was initiated against him when an order dated 5th April, 1989 was passed, whereby the respondent no. 7 was directed to pay a sum of Rs.1250/-. In an appeal, the appellate authority ordered that a sum of Rs.700/- be deducted from the monthly salary of the respondent no.7 and the amount be remitted to the appellant and that a sum of Rs.500/- be paid in lump sum for the period October, 1987 to March, 1989. Still aggrieved, the respondent no. 7 filed a revision which was decided on 25th January, 1991 wherein a sum of Rs.500/- was ordered to be deducted from the salary of the respondent no.7 and was to be paid to the appellant from April, 1989, apart from payment of Rs.500/- as lumpsum for the period October, 1987 to March, 1989.

Since the amount of maintenance was meager, the appellant invoked the writ jurisdiction of this Court whereby direction for payment of maintenance of Rs.5000/- per month was issued.

We do not find that this Court can order modification in the quantum of the maintenance to be paid. However, we deem it appropriate to dispose of the present Letters Patent Appeal with liberty to the appellant to submit a representation to the Competent Authority

for enhancement of the maintenance keeping in view the increase of wages of respondent no. 7 and the expenses required for the sustenance of the appellant. As and when, any such representation is filed by the appellant; the same shall be decided expeditiously, preferably within a period of three months by the Competent Authority.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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