

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13776 of 2014

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1. Neelam Devi W/o Late Shailendra Mahto R/o Village- Saidpur, P.S. Gopalpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Department of Health AND Primary Welfare, Bihar, Patna.
2. Principal Secretary, Department of Health and Family Welfare, Govt. of Bihar, Patna.
3. Director in Chief Health Service, Government of Bihar, Patna.
4. Civil Surgeon- cum- Chief Medical Officer, Bhagalpur, District Bhagalpur.
5. Incharge Medical Officer, Primary Health Centre, Gopalpur, District Bhagalpur.
6. The District Provident Officer, Bhagalpur, District Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Respondent/s : Mr. Manikant Mishra, GP-25

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 21-07-2016 Heard learned counsel for the parties.

The petitioner is widow of late Shailendra Mahto, who was engaged as Voluntary Worker on 08.02.1972 by District Family Planning Officer, Bhagalpur at salary of Rs. 50/- per month. Subsequently, on 16.03.1978 he was appointed on adhoc basis by the Civil Surgeon-cum-Chief Medical Officer, Bhagalpur on the post of Menial Staff with a salary of Rs. 155-190. On 01.08.1986, it was ordered that he will continue to work as Sweeper until the recommendation of the District Panel is received. This is not

in dispute that the husband of the petitioner was never appointed on regular basis. He was relieved with effect from 03.07.2003.

The order relieving him and thus, terminating his service has not been interfered with. Under the orders of this Court, the matter was referred to One Man Enquiry Committee headed by Mr. Justice Uday Sinha, who found no infirmity in termination of the service of the petitioner's husband.

This application has been filed seeking quashing of the order, dated 15.02.2011, passed by One Man Committee headed by Mr. Justice Uday Sinha. The petitioner also prays for consequential benefits in terms of pension etc.

It is not the case of the petitioner that any fact recorded in the aforesaid order, dated 15.02.2011, is contrary to record. It is, thus, an admitted fact that the petitioner's husband never worked on substantive basis under the State Government. Service of a person on substantive basis under the State government is the basic requirement for someone to become eligible for pension and gratuity under the Bihar Pension Rules, 1950. There is no specific averment in the writ application as to whether petitioner's husband was having any account of general provident fund.

However, considering the facts and circumstances of the case, it is observed that if the petitioner is able to satisfy the District Provident Fund Officer, Bhagalpur that the general provident fund account was opened in the name of the petitioner's husband and some amount was deducted from the salary for being deposited in the provident fund account, he shall proceed for payment of the said amount to the petitioner and make final payment within a period of two months from the date of receipt/production of a copy of this order along with the representation filed by the petitioner.

This disposes of the application.

(Chakradhari Sharan Singh, J)

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