

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.728 of 2015
Arising out
Civil Writ Jurisdiction Case No. 2164 of 2009
Along with
Interlocutory Application No.3075 of 2015
And
Interlocutory Application No.3076 of 2015

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1. The Bihar State Co-operative Marketing Union Limited, Bihar & Jharkhand Patna (BISCOMAUN) through its Managing Director.
 2. The Managing Director, BISCOMAUN, Patna.
..... Respondent Nos.2 & 3- Appellants
Versus
 1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
... Respondent No.1.
 2. Lalmuni Devi wife of Late Chandrama Singh, resident of village & P.O. Nasratpur, P.S.- Sandesh, District- Bhojpur.
..... Petitioner- Respondent
 3. The Administrator, BISCOMAUN, Patna.
 4. The Finance Controller - cum - Conducting Officer, BISCOMAUN, Patna
 5. The Head Regional Officer, BISCOMAUN, Patna.
 6. The Head Executive Officer, BISCOMAUN, Patna.
 7. The Head - in - Charge, Administration, BISCOMAUN, Patna.
 8. The Accounts Officer, BISCOMAUN, Patna.
 9. The Dealing Officer, BISCOMAUN, Patna.
..... Respondents No.4 to 10- Respondents
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Appearance :

For the Appellant/s : Mr. Ishwari Singh, Advocate
Mr. Surendra Kumar Mishra, Advocate

For the Respondent/s : Mr. Rajeshwar Singh, G.A.-10
Mr. P. K. Singh, Advocate

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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: 28-07-2016

Re.: Interlocutory Application No.3075 of 2015

The application is for condonation of delay of 120 days in filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.728 of 2015

The challenge in the present Letters Patent Appeal is to an order dated 22nd September, 2014 whereby, the appellant was directed to pay terminal dues of late Chandrama Singh by 31st December, 2014 to the legal heirs and interest at the rate of 8% per annum from 1st January, 2015 till the date the amount is paid.

Chandrama Singh was charge-sheeted on account of misappropriation. There were criminal proceedings as well initiated against him. The Division Bench of this Court on 27th February, 1992 stayed the disciplinary proceedings until the disposal of the criminal proceedings. The criminal and the disciplinary proceedings were pending when Chandrama Singh retired on 31st of May, 1998 and later died on 12th May, 2010.

The learned Single Bench has rightly held that after the death of Chandrama Singh, the criminal and the disciplinary proceedings abated. Therefore, the legal heirs of Chandrama Singh are entitled to retiral benefits. While granting time to the appellants to make payment, it was also directed to pay interest if the amount is not paid by 31st

December, 2014, i.e. within three months.

We do not find any error in the order passed by the learned Single Bench as the order is natural consequences on account of death of an employee which abates the disciplinary and criminal proceedings.

In view thereof, we do not any error in the order passed by the learned Single Bench which may warrant interference in the present intra court appeal. The Letters Patent Appeal is, therefore, dismissed.

Re.: Interlocutory Application No.3076 of 2015

Since the present Letters Patent Appeal itself stands dismissed, the interlocutory application filed for staying the operation of the order dated 22nd September, 2014 passed in CWJC No.2164 of 2009 has become infructuous and is rejected as such.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

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