

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17775 of 2016

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Bauan Devi, Wife of Late Paltan Mandal, Resident of Village & P.O.-
Ranna, Via- Baheri, P.S. Hathauri, District- Sarastipur.

.... Petitioner

Versus

1. The State of Bihar through the Engineer-in-chief cum Special Secretary,
Rural Work Department, Government of Bihar, (Patna).
2. The Deputy Secretary, RWD, Government of Bihar, Patna.
3. The Superintending Engineer RWD, Muzaffarpur Division, Muzaffarpur.
4. The Executive Engineer RWD, Works Division, Sitamarhi.
5. The Additional Secretary, Department of Finance, Government of Bihar,
Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Adv.

For the Respondent/s : Mr. Kameshwar Pd. Gupta, GP-10
Mr. Ashok Kumar Gupta, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 17-10-2017

Heard learned counsel for the parties.

The petitioner prays for the following reliefs:

- “(a) That this is an application for issuance of an appropriate writ or writs/ order or direction to the respondent authorities to regularize the service of the petitioner’s husband with effect from 7.12.1978 i.e. the date when her husband was initially appointed by issuing an appropriate order or direction.
- (b) That an appropriate order or direction may be issued to the respondent authorities to grant the Death-cum-Post Retirement Benefits of the deceased government employee and after granting the same pay it to the petitioner.
- (c) That an appropriate order or direction may be



issued to the respondent authorities to grant family pension of the petitioner w.e.f. 5.1.2012 (the actual date of death of the petitioner's husband)."

The husband of the petitioner was engaged as Roller Khalasi on 7.12.1978 vide Annexure 1 and vide order bearing Memo No. 871 dated 19.6.1987 the petitioner was promoted as a work charge Roller Driver. The case of the husband of the petitioner was recommended for regularization on 3.9.1994 and even thereafter while the matter remained pending that he expired on 5.1.2012.

Mr. Bipin Kumar, learned counsel appearing for the petitioner, espouses the case of the deceased employee through his widow relying upon a Co-ordinate Bench decision of this Court passed in similar circumstances arising from C.W.J.C.No. 16929/2014 (**Vishwapati Devi v. the State of Bihar & ors.**). The Co-ordinate Bench taking note of identical situation allowed the writ petition of the widow of the said case with a direction to the respondents to issue notification regularizing the service of the deceased husband of the said petitioner and for payment of retiral dues to the widow of the deceased relying upon the judgment passed in the case of **Most. Baby Devi v. State of Bihar**, reported in 2012(3) PLJR 910. Mr. Bipin Kumar, learned counsel for the petitioner, submits that the case of the petitioner is covered by the



judgment and order passed in the case of **Vishwapati Devi** (supra).

Mr. K.P.Gupta, learned GP-10, while opposing the writ petition admits that the case of **Vishwapati Devi** (supra) is similar to the issue raised herein.

Having heard learned counsel for the parties and considering the judgment and order passed by a Co-ordinate Bench of this Court relied upon by the learned counsel, I deem it proper to direct the respondent no.1, Engineer-in-Chief cum Special Secretary, Rural Works Department, Govt. of Bihar to consider the claim of the petitioner for payment of death cum retiral benefits after regularizing the service of the deceased husband of the petitioner in the light of the judgment and order passed in the case of **Vishwapati Devi** (supra) and dispose of the same in accordance with law within a period of three months from the date of receipt/ production of a copy of this order.

The writ petition is allowed with directions aforementioned.

(Jyoti Saran, J)

Surendra/-

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