

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1618 of 2015
IN
Civil Writ Jurisdiction Case No. 5493 of 2010**

- =====
1. The State of Bihar.
 2. The Secretary, Department of Industry, Government of Bihar, Patna.
 3. The District Industry Officer, Muzaffarpur.
 4. The Director, Directorate of Handloom and Silk, Department of Industries, Patna.

.... Appellants

Versus

1. Noor Jaha Begum Wife of S.M. Mofiz Hasmi Resident of Village - Bhawanandpur (Muzaffara), Police Station - Birpur, District - Begusarai.
2. The Managing Director, the Bihar State Handloom and Handcrafts Corporation Limited, Udyog Bhawan, Patna.
3. The Accountant General, Bihar.

.... Respondents

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Appearance :

For the Appellants : Mr. Ravish Chandra, AC to SC-6

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 17-01-2017

Heard counsel for the appellants. There is delay of 278 days. The reason indicated is official exigency and following the prescribed procedures as the cause for not moving the appeal in time.

The Court is not satisfied with the explanation offered for delay. However, to give an opportunity to the State to satisfy the Bench about illegality which is required to be revisited by the Division Bench, the limitation petition is allowed and the delay is



condoned.

The order under appeal is dated 21.10.2014 by virtue of which the learned single Judge while considering the case of the private respondent for a direction to pay her family pension on the basis of ten years of service in the State and before placing the service of the husband of the private respondent in the hands of a State Corporation which was Handloom Corporation was allowed.

From a reading of the impugned order, it is evident that earlier the minimum number of service for entitling an employee to pension was 15 years. However, the period has been reduced in the year 1980, to be precise on 31.07.1980, to 10 years of service. Taking that into consideration as well as keeping in mind two similar decisions rendered in the case of Mridula Kumar Sinha and others vs. The State of Bihar & others, which was allowed on 19.01.2009 which is a reported decision in 2010(1) PLJR 124 as well as yet another writ application, namely, C.W.J.C. No. 5570 of 1999, which was the case of Hem Chandra Jha, decided on 12.04.2001, the learned single Judge decided to give the benefit to the private respondent.

The learned single Judge has taken a consistent view in similar kind of matter. The Court will not get impressed by the



submission of the counsel that two wrongs cannot make a right.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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