

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14963 of 2016

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Most. Daulati Devi, wife of Late Rajendra Prasad Singh, Resident of Village-Doman Chak, P.O.- Manoharpur Kachhuara, P.S.- Gaurichak, District- Patna.

.... Petitioner

Versus

1. Post Master General, G. P. O., Patna.
2. Director of Postal Services, Patna Region, Patna.
3. Chief Post Master, G.P.O., Patna.
4. Senior Superintendent, R.M.S., Patna Division, Patna.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Jitendra Prasad Singh, Advocate Mr. Arvind Kr. Pandey, Advocate
For the UOI	:	Mr. S.D. Sanjay (Addl. Soc. Gen.) Mr. Anshuman Singh, CGC

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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: 17-03-2017

OA 161/2015 has been dismissed on 12th of May, 2016 by Central Administrative Tribunal, Patna Bench, Patna. Prayer made by the present petitioner, who was the applicant for grant of family pension, has been refused by the Tribunal for following reasons :

“3. This observation of the Hon’ble Court gave an arrow in the armoury of the applicant to agitate her claim for family pension. The only legal issue involved in this case is whether the widow of the deceased employee is entitled to family pension whose husband was dismissed from service in view



of his conviction by a Criminal Court. The answer has to be given in the negative. Even though, the criminal appeal abated, but the conviction is not wiped out from the record. So the dismissal of the employee on the ground of conviction cannot be altered. Any legal heir of the convict is entitled to pursue the appeal in the higher forum. But that will not arm them to treat the convicted employee at par with an acquittal employee. Since the husband of the applicant was not receiving any pension and as there is no change in the circumstances, question of granting family pension to the widow does not arise.

4. The present O.A. has been filed under a misconception and due to misreading of the judgment of the Hon'ble High Court. The Hon'ble High Court categorically observed that retiral benefit including family pension can be granted if provided under rules. There is no rule to give family pension to a widow whose husband was dismissed from service in view of his conviction in a criminal case that too for misappropriation of public money. Hence ordered."

The view and the approach taken by the Tribunal in dismissing the OA for the above reason seem to be correct. If the husband of the petitioner was convicted and his conviction was not set aside but had abated, the benefit of family pension etc. is not



applicable to a convict, who stood dismissed on the ground of his conviction.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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