

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9361 of 2015

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Bebi Devi Wife of Late Gyanchandfra Jha resident of Village - Sirua , P.S. -
Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Home Secretary , Government of Bihar Patna The Director General of
Police Government of Bihar, Patna.
3. The Inspector, General of Police Administration , Government of Bihar
Patna.
4. The Ispector General of Police Bhagalpur Range, Bhagalpur.
5. The Deputy Inspector General of Police , Bhagalpur Range Bhagalpur.
6. The Senior Superintendent of Police , Bhagalpur
7. The Accountant General Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Sanjay Kumar, Advocate
		Mr. Pankaj Kumar Jha, Advocate
For the Respondent State:		Mr. Sumant Kumar Singh, AC to GA-2
For the A.G. :		Mr. J.K. Roy, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date : 21-09-2017

Heard counsel for the parties.

Annexure-1 dated 05.02.2008, which is Memo No.282 issued
by the Superintendent of Police, Bhagalpur, dismissing the
husband of the petitioner from service from 17.03.1994 is an
absurd order. To say the least, no law supports dismissal from a
back date and secondly no retired person can be dismissed from
service after almost seven years of his retirement.



Admitted position is that the husband of the petitioner was appointed as a Constable sometime in the year 1962. In the later period of his service, he was not maintaining good health and from 1994 especially 17.03.1994, he did not attend duty till his age of superannuation. When he demanded benefits of superannuation, it was not entertained. There has been earlier round of litigation and even a complaint was lodged before the Lokayukta, Bihar, and then this absurd kind of order came to be passed by the Superintendent of Police, Bhagalpur.

No doubt, the husband of the petitioner did not attend duty till his age of superannuation, but then if something was required to be done, it should have been done while the husband of the petitioner was still in service.

The impugned order dated 05.02.2008, therefore, stands quashed. The husband of the petitioner is stated to be dead. What is required to be done now is to settle the family pension of the present petitioner. However, in the given facts of the case, the Court will not allow or permit any other benefit in respect of arrears etc. with regard to the period the husband was not in duty because of his conduct and accepted position of his absence. The respondents shall ensure that the family pension of the petitioner is



settled within a period of three months from the date of production
of a copy of this order.

Writ is allowed in terms of the above.

(Ajay Kumar Tripathi, J)

Pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
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