

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13889 of 2017

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Most. Shanti Devi Wife of Late Sachidanand Mishra, Resident of Village-
Madhopur Bijurg, P.S. Paro, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department. Government of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department Government of Bihar, Patna.
3. The Engineer-in-Chief-Cum-Special Secretary, Public Health Engineering Department, Bihar, Patna.
4. The Chief Engineer (Mechanical), Public Health Engineering Department, Government of Bihar, Patna.
5. The Superintending Engineer, Public Health Engineering Circle Muzaffarpur.
6. The Executive Engineer, Public Health Division, Muzaffarpur.
7. The Accountant General (A & E) Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siyaram Pandey, Advocate
For the State	:	Mr. Lalan Kumar, A.C. to G.P. 9
For the Accountant General	:	Mr. Arun Kumar Arun and
(Respondent No. 7)		Mr. Atul Anand, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 26-03-2018

Heard learned counsel for the petitioner; State and
Accountant General.

2. The petitioner has moved the Court for the following
reliefs:

“1. That this is an application for issuance of a writ of certiorari for quashing/setting aside the memo no. 2322 dated 13.04.2002 (Annexure-6) by which the husband of the petitioner was reverted from the status of work charge employee to the status of a daily wage employee in an illegal,



wrong and arbitrary manner in the light of the order dated 11.8.2006 passed in Civil Appeal No. 3486/2002 (Dinbandhu Pandey Vs. The State of Bihar & others) (Annexure-10) by the Hon'ble Apex Court and be further pleased to issue a writ in the nature of Mandamus or an appropriate writ, order or direction commanding the respondents to allow/grant, family pension and other death cum-retirement benefits to the petitioner after death of her husband as per Rule 58 and 59 of the Bihar Pension Rule, 1950 and as per the decision already taken by the finance Department, Bihar Patna through its memo no. 1024/69/11779F dated 12.8.1969 (Annexure-12) which has already been relief upon by the division Bench of the Hon'ble court affirmed upto Hon'ble Apex court and/or be further pleased to pass such other order or orders which may be deemed fit and proper in the facts and circumstances of the case.”

3. The husband of the petitioner was engaged as a daily wage employee in the Public Health Division, Sitamarhi on 01.04.1980. He was brought under the work charge establishment on 14.03.1988 and his pay was also revised. Thereafter, he along with others was show caused as to why he should not be reverted to daily wages against which he moved in C.W.J.C. No. 6353 of 2002 and by order dated 21.05.2002, there was an interim order in his favour. He



died in harness on 10.01.2003. Under orders of the Court, various similarly situated persons' cases were considered and initially in the name of the persons recommended by the Department for regularization, the late husband of the petitioner also found place but when regularization was taken up, his case was not considered as by that time he was already dead. The said consideration was by a Three Men Committee.

4. Learned counsel for the State does not dispute that on the date the Three Men Committee considered the regularization of service of persons similarly situated, the late husband of the petitioner was already dead and also that this was the only ground taken by the Three Men Committee for not recommending his case for regularization.

5. The Court had occasion to consider identical situation of the same Department in C.W.J.C. No. 6349 of 2016 in the case of **Soniya Devi Vs. The State of Bihar & Ors.** The writ petition was allowed by judgment dated 24.11.2017.

6. Learned counsel for the respondents do not dispute that the issue is covered by the aforesaid judgment dated 24.11.2017.

7. Having considered the matter, the writ petition stands allowed in terms of the judgment dated 24.11.2017 passed in C.W.J.C. No. 6349 of 2016 in the case of **Soniya Devi** (supra). The



service of the petitioner is held to be pensionable and the directions issued at paragraph no. 6 of the aforesaid judgment shall also apply in the present case, with the modification that the time fixed for compliance of the order would be four months from the date of production of a copy of this order before the respondent. No. 6.

(Ahsanuddin Amanullah, J.)

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