

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1886 of 2016

IN

Civil Writ Jurisdiction Case No. 18010 of 2011

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1. Bela Jha wife of Late Dr. Kirti Narayan Jha, Resident of A-19, Kashyap Vihar, Ashok Kunj, Argora- Doranda, Doranda, Ranchi-834002.

.... Appellant/s

Versus

1. The State of Bihar through commissioner-cum-secretary, Animal Husbandry, Government of Bihar, Patna.
2. The joint secretary, Animal Husbandry Department, Govt. of Bihar, Patna.
3. The Director, Animal Husbandry Department, Bihar, Patna.
4. The Regional Director, Animal Husbandry Department, Patna, Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. V.R.P. Singh, Advocate

: Mr. Neelam Prasad, Advocate

For the Respondent/s : Mr. Ashutosh Ranjan Pandey, A.A.G-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 05-09-2018

1. Feeling aggrieved and dissatisfied with the impugned judgment passed by the learned Single Judge dated 24.11.2015 in C.W.J.C. No. 18010 of 2011, by which the learned Single Judge disposed of the said petition without granting any substantive relief of remaining retirement dues to the original petitioner-employee, the original petitioner-employee (now the heir of the original petitioner-employee) had preferred the present Letters Patent Appeal.



2. That the issue involved in the present appeal in view of the subsequent development of having original petitioner-employee died, is now in a very narrow compass.

2.1. That the original petitioner, Dr Kirti Narayan Jha, a retired employee of the State of Bihar, was denied the remaining retirement dues and the same were held up because of his conviction in Criminal Case Nos. R.C.43(A)/96, 66(A)/96, 5(A)/2000, 2(A)/2001 and R.C.3(A)/2001.

2.2. That the appeals filed by the original petitioner-employee before the High Court of Jharkhand at Ranchi had been admitted and he was enlarged on bail.

2.3. That the original petitioner-employee, therefore, approached this Court by way of writ petition being C.W.J.C. No. 18010 of 2011 claiming the remaining retirement dues. However, in view of the pendency of the criminal appeals before the High Court of Jharkhand at Ranchi, the learned Single Judge by the impugned judgment has disposed of the writ petition with liberty to take appropriate steps in light of the order, which will be passed in the appeals.

3. Feeling aggrieved and dissatisfied with the impugned judgment, the original petitioner-employee preferred the present Letters Patent Appeal.



3.1. That during the pendency of the present appeal, the original petitioner-employee has died and his legal heir is brought on record.

3.2. In view of death of the original petitioner-employee, the criminal appeals pending before the High Court of Judicature at Ranchi might be abated. If that be so, there will be changed circumstance and whatever the consequences of the appeals having been abated, shall follow. Nothing is on record that as on today the appeals pending before the High Court of Jharkhand at Ranchi have been dismissed as having been abated. So long as criminal appeals are pending, the heirs are not entitled to any relief, more particularly, with respect to the remaining retirement dues of the original petitioner-employee which was held up because of conviction in the criminal cases.

4. Under the circumstances, we dispose of the present Appeal by observing that if at all the criminal appeals filed by the original petitioner-employee are dismissed having been abated, necessary consequences may follow and the appropriate authority to consider the claim in respect of the remaining dues of the original petitioner-employee in accordance with law and consider the effect of the abatement of the criminal appeals and such exercise shall be completed within a period of six weeks from the date of decision in



the criminal appeals pending before the High Court of Jharkhand at Ranchi, which have been reported to be pending because of the conviction of the original petitioner-employee in Criminal Case Nos. R.C.43(A)/96, 66(A)/96, 5(A)/2000, 2(A)/2001 and R.C.3(A)/2001. Now, the heir of original petitioner-employee is required to approach the High Court of Jharkhand at Ranchi in the pending criminal appeals which are against the conviction of the original petitioner-employee in Criminal Case Nos. R.C.43(A)/96, 66(A)/96, 5(A)/2000, 2(A)/2001 and R.C.3(A)/2001 and if at all the appeals are dismissed as having been abated, the appropriate authority to consider the grant of remaining dues of the original petitioner-employee in accordance with law as observed hereinabove.

5. With this, the Letters Patent Appeal stands disposed of.

(Mukesh R. Shah, CJ)

(Dr. Ravi Ranjan, J)

Brajesh/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.09.2018
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