

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18678 of 2016

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Janki Devi, W/o Late Gauri Shankar Choudhary, residing at P.H.E.D. Staff's Quarter, P.O. +P.S.-Banka, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Chief Engineer (Mechanical), Public Health Engineering Department, Government of Bihar, Patna.
3. The Superintending Engineer, Public Health Engineering Department, Anchal Bhagalpur, District Bhagalpur.
4. The Executive Engineer, Public Health Division, Banka, District Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 03-08-2018

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for the following

reliefs:

“That this writ application is being filed for issuance of writ nature of certiorari for quashing the letter memo no. 1472 dated 29.09.2016 issue under signature of the Executive Engineer P.H.E.D. Banka, whereby and where under stated that in pursuance of the clause 4(ii) of the Finance Department Circulars dated 17.10.2013 the claim of the petitioner so far death cum retiral benefits has been rejected, when husband of the petitioner was working since 1988 on the post Khalasi under work charge establishment, he was continue working suddenly died on 30.08.1995 thus in pursuance of the clause 4 Circulars dated 17.10.2013, petitioner is being legal wife of the employee, entitled for the death cum the retiral benefits and further issue direction to respondent grant death cum retiral



benefits on the ground that if her husband was service then he seek for regularization of the services but he her husband died on before in the year 1999 and further give other legal and consequential benefit at tached to the post of her husband.”

3. Counter affidavit has been filed on behalf of respondents no. 1 to 4, in which the basic stand is that since the husband of the petitioner remained as work charge employee till his death, the petitioner is not entitled to grant of any family pension. For such proposition, learned counsel has relied upon Division Bench decisions of this Court in **State of Bihar vs. Bimli Devi** reported as **2016(1) PLJR 452** and **Meena Kuer vs. State of Bihar** reported as **2018(2) PLJR 436**.

4. The fact that the husband of the petitioner died while working in the work charge establishment, no being denied, the Court finds that no relief can be granted to the petitioner in the present writ petition and accordingly, the same stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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