

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1259 of 2017

In
Civil Review No.109 of 2015

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Smt. Shail Kumari, wife of Late Dr. Amrendra Kumar 'Amar' resident of
Mohalla- Machhali Gali, Near Laxmi Market, Sant Sadan, P.S.- Jakkanpur,
District- Patna ... Appellant

Versus

1. Vice Chancellor, B.R.A. Bihar University, Muzaffarpur through its Registrar,
Sri Vivekanand Shukla, son of Late Jamuna Shukla, Resident of Hanuman
Nagar, Lane No. 1, Madipur, Gobarshahi Road, P.S.- Kazimuhammadpur,
District- Muzaffarpur.
 2. The Finance Officer, B.R.A. Bihar University, Muzaffarpur.
 3. Registrar, B.R.A. Bihar University, Muzaffarpur
 4. The Principal, R.L.S. Yadav College, Bettiah ... Respondents
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Appearance :

For the Appellant : Mr. Anil Kumar Sinha, Adv.
For the University : Mr. Vikas Ratan Bharti, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 13-03-2018 Having heard learned counsel for the parties, we

find that in the impugned order of review, passed by the learned
writ Court, the learned writ Court found that even though
petitioner was appointed by the Managing Committee of the
institute on 30th December, 1983, which was without sanction of
the post and in anticipation of sanction and sanction was
actually granted for the post in question by the Government of
Bihar on 1st February, 1988, and, therefore, the original order
passed on 02.04.2014 in C.W.J.C. No. 4477 of 2007 has been
reviewed in Civil Review No. 109 of 2015 and it has been
directed that the service rendered by the petitioner's husband



shall be reckoned from 1st February, 1988, instead of 30th December, 1983. However, from the period 30th December, 1983, up to 1st February, 1988, any other monetary benefit, paid to the petitioner, shall not be treated to be fixation of pension or pensionary benefit. If the petitioner has been granted pension or pensionary benefit treated the husband of the petitioner appointed on 30th December, 1983, the amount by way of salary either to petitioner's husband or the petitioner shall not be recovered, instead re-fixation of the pension shall be done with effect from 1st February, 1988, treating the service of the petitioner's husband from 1st February, 1988. On such re-fixation no recovery shall be effected from the petitioner even after the death of her husband.

With the aforesaid clarification and modification passed in the writ application, this application stands disposed off.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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