

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3184 of 2011

In

Civil Writ Jurisdiction Case No.5800 of 2004

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Prabha Singh, wife of Late Surendra Narayan Singh, son of Sri Tej Narayan Singh, resident of Village-Sahebganj, P.O.-Champanagar, P.S.-Nathnagar, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri. C.K. Mishra, son of Not Known, Principal Secretary-cum-Industrial Development Commissioner, Industries Department, Govt. of Bihar, Patna.
3. Sri. Udainarayan Thakur, son of Not Known, Director, Handloom & Sericulture, Industry Department, Govt. of Bihar, Patna.
4. Ajay Mahto, son of Not Known, The Principal, Bihar Institute of Silk & Textiles, Nathnagar, Bhagalpur
5. Subhash Chandra Jha, son of Late B.D. Jha, Treasury Officer, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv
For the Respondent/s : Mr. Manish Kumar, GP-8

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

11 03-12-2018

A supplementary show cause reply has been filed

during the course of hearing. Let it be taken on record.

2. In the aforesaid supplementary show cause reply, it has been stated that earlier an order dated



13.04.2011 contained in Memo No. 826 was brought on record which indicated that the services of the husband of the petitioner was regularized with effect from 17.03.1986 till 07.08.1999. Since after 07.08.1999, the husband of the petitioner did not work, therefore, 07.08.1999 was treated to be the date of retirement. This was re-examined by the authorities and a corrigendum was issued on 28.11.2018 by the Director, Handloom & Sericulture, Industry Department, Government of Bihar, Patna and it was decided that the date of retirement of the deceased employee who is the husband of the petitioner is 31.08.2008 and therefore to that extent, the Memo No. 826 dated 13.04.2011 referred to above was modified. The qualifying service of the husband of the petitioner, therefore is from 17.03.1986 till 31.08.2008 i.e. his date of superannuation.

3. Keeping in mind the principle of no pay for no work, the period of the absence of the husband of the petitioner from 08.08.1999 to 31.08.2008 has not been paid for on the principle of no work no pay.

4. Thus, for all practical purposes, the order of



which the contempt is alleged, has been complied with in true letter and spirit.

5. The date of birth of the husband of the petitioner is not disputed which is 10.08.1948. This is the date which is mentioned in the service record of the husband of the petitioner as well. Had the husband of the petitioner been in service, his date of retirement would have been 31.08.2008.

6. Keeping in mind the aforesaid factual aspect, the necessary orders have been passed.

7. In case, the petitioner is aggrieved by the aforesaid order, she may represent before the concerned authority and on such representation, the concerned/competent authority shall look into the matter and pass a reasoned order without wasting any time, taking into account that petitioner is a widow.

8. The file relating to the husband of the petitioner specially the service book be forthwith sent to the Office of the Accountant General for the needful.

9. Needless to state that petitioner also has the



liberty to challenge any order not giving the benefit of pay to the husband of the petitioner for the period dated 08.08.1999 to 31.08.2008.

10. With the aforesaid observation and direction, the present contempt petition is disposed off.

(Ashutosh Kumar, J)

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