

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10052 of 2017

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1. The Union of India through the Secretary, Department of Communication, Government of India, Sanchar Bhawan, New Delhi- 110001.
 2. The Chief General Manager Telecom, BSNL, Bihar Telecom Circle, Patna.
 3. The Deputy General Manager (Admin) O/o the CGMT, BSNL, Bihar Telecom Circle, Patna.
 4. The Assistant General Manager (Admin) O/o the CGMT, BSNL, Bihar Telecom Circle, Patna.

... .. Petitioner/s

Versus

Meena Devi, W/o Late Lankeshwar Sah, R/o Village- Hajipur- Pipra Dewas,
P.O.- Pipra, P.S.- Barauni, District- Begusarai, Pin- 851112.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Yogendra Prasad Sinha
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 18-06-2018

Heard counsel for the Bharat Sanchar Nigam Limited.

Perused the impugned order dated 24.03.2017.

The learned Central Administrative Tribunal in the
impugned order dated 24.03.2017, passed in O.A. No. 26 of 2015
has taken note of following facts :

“6. Meanwhile, even before the conclusion of the enquiry the GMTD, Darbhanga illegally and arbitrarily granted temporary status and thereafter regularization to some employees including the applicant’s husband provisionally. For this act, disciplinary action was taken against him and other officials. Thus, the respondents’ claim is that



no family pension is payable to the applicant because her husband's regularization was questionable.

7. *Heard the parties and perused the documents.*

8. *This case is identical to the case of Soni Devi, widow of Late Harikant Jha which was decided by this Tribunal in OA No. 738/2014 by order dated 11.09.2015 by which the claim for family pension of the widow was allowed. Review against this order vide RA No. 18/2016 was also dismissed by order dated 19.01.2017 by making some observations. In that case Soni Devi's deceased husband, Late Harikant Jha, had been initially engaged as casual labour after which he was granted temporary status on 01.08.1998 and thereafter regularized as RM on 01.10.2000. In the present case the husband of the applicant Late Lankeshwar Sah was a DRM from an earlier date of 1980 who was granted TSM and regularized as Regular Mazdoor from 01.08.1998 and 01.10.2000 respectively, exactly in the case of Late Harikant Jha. Harikant Jha passed away in 2008 whereas Lankeshwar Sah passed away on 30.12.2010. Thus, the applicant's husband had completed more than 10 years of regular service as RM and over two years as TSM for which 50% weightage has to be given as per the departmental rules.*

9. *The liberty to conduct investigation/enquiry into alleged fraud was given by the Tribunal by order dated 18.02.1999. The applicant's husband lived for about 11 years in which the respondents have not been able to complete the enquiry. It transpires that even in respect of those who are still working; such enquiry has not been completed even after a lapse of 18 years. In several cases we have expressed strong displeasure at this state of affairs and directed that the matter to be brought to the notice of the highest authority of the*



*government/BSNL headquarters to take
action against guilty officers.”*

The facts being what they are, and keeping in view that there has to be consistency in decision making within public domain, especially by judicial forums, the decision of the Tribunal cannot be said to be erroneous in giving a direction for payment of family pension and retiral dues to the widow of the late employee.

A statutory Corporation, that too under Union of India, is not expected to behave like an ordinary litigant.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/Pragya

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.06.2018
Transmission Date	NA

