

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1659 of 2017

IN

Civil Writ Jurisdiction Case No. 7318 of 2014

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Sheela Devi @ Shila Devi, Wife of Late Sidhnath Prasad, Resident of Village + P.O. - Gopalpur, P.S. - Belchhi, District - Patna, presently residing at Village - Sisauna, P.O. + P.S. - Jokihat, District - Araria.

.... (Petitioner)/ Appellant

Versus

1. The State of Bihar through the Principal Secretary, Department of Public Health Engineering Department, Bihar, Patna.
2. The Principal Secretary, Department of Public Health Engineering Department, Bihar, Patna.
3. The Principal Secretary, Department of Disaster Management, Bihar, Patna.
4. The Joint Secretary, Department of Public Health Engineering Department, Bihar, Patna.
5. The Joint Secretary, Department of Disaster Management, Bihar, Patna.
6. The Deputy Secretary, Department of Disaster Management, Bihar, Patna.
7. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Bihar, Patna.
8. The Chief Engineer (Mechanical), Department Bihar, Patna.
9. The Zonal Health Engineer, Department Bihar, Patna.
10. The Superintending Engineer, Public Health Engineer Department, Purnea Circle, Patna.
11. The Executive Engineer, Public Health Division, Araria, District - Araria.
12. The Divisional Account Officer, Public Health Division, Araria.
13. The Assistant Engineer-cum-Sub Divisional Officer, Department of Public Health Engineering Department, Araria Sub Division (East) , District - Araria.
14. The Accountant General (A & E), Bihar, Patna.
15. The District Accounts Officer, Purnea, District Account Officer, Purnea.
16. The Treasury Officer, Araria , District - Araria.
17. The District Magistrate, Araria, District - Araria.
18. The Divisional Clerk, Public Health Division,

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Siyaram Pandey
For the State : Mr. S.RAZA AHMAD -AAG5
Mr. Vishambhar Prasad, AC to AAG 5
For the Accountant General: Mr. Shiv Kumar

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-03-2018



Seeking exception to an order dated 31.10.2017 passed by the learned Writ Court in CWJC NO. 7318 of 2014 this appeal has been filed under Clause 10 of the Letters Patent.

In the matter of regularizing and granting appointment to the petitioner in place of the petitioner's husband and payment of *ex gratia* of Rs.10 lakhs, the learned Writ Court has examined the issue in detail and after taking note of Clause-3 of the Government Resolution as contained in Memo No. 1441 dated 10.10.2013 has come to the conclusion that the husband of the petitioner was deputed on Tube-Well, he suffered brain haemorrhage and did not die because of natural calamity or accident. The finding recorded by the learned Writ Court in Paragraph-5 reads as under:-

“5. The petitioner has secondly prayed that the petitioner is entitled to get ex-gratia payment of Rs. 10 lakh on account of death of her husband, who was deputed on duty for flood relief works, in view of the Government resolution, as contained in Memo no. 1441 dated 10.10.2013 (Annexure-16), Clause-3 of the aforesaid resolution of the Finance Department, Government of Bihar says that if a person who was on active service died on account of accident during natural calamity, such employee is entitled to get ex-gratia payment of Rs.10 lakhs, but admittedly the petitioner was deputed on a Tube-Well and petitioner suffered brain haemorrhage. The death of the petitioner does not come within the purview of Clause-3 and 4 of the aforesaid resolution, because the petitioner did not die in an accident or while performing active duty during natural calamity, such as flood etc., rather he was posted in a house near the Tube-Well only to supply water.”

Keeping in view the aforesaid, we see no error in the order passed by the learned Writ Court warranting reconsideration.



The appeal stands dismissed.

(Rajendra Menon, CJ)

(S. Kumar, J)

mr1/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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