

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5783 of 2017

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Raj Kumari Devi W/o Late Naresh Thakur, Resident of Village-Goraai, P.S.
Ara Karanja, P.S. Naubatpur, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department, of Rural Works, Government of Bihar, Vishweshwaraiya Bhawan, Patna
3. The Engineer-in-Chief-cum-Additional Secretary-cum-Special Secretary, Department, of Rural Development (Rural Engineering Organization) and at present Rural Works Department, Government of Bihar, Vishweshwaraiya Bhawan, Patna
4. Chief Engineer, Rural Engineering Organization, Vishweshwaraiya Bhawan, Patna.
5. Superintending Engineer, Rural Works Department, Works Circle, Bhagalpur.
6. Executive Engineer, Rural Works Department, Works Division, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bishnu Kant Dubey, Adv.
For the Respondent/s : Smt. Archana Meenakshee-GP-6

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 18-06-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner is the widow of the late employee Naresh Thakur who died in harness on 16.07.2007 while working as Roller Khalasi in the work charge establishment under Respondent No. 6, the Executive Engineer, Rural Works Department, Works Division, Munger.

Petitioner prays for payment of family pension, unutilized leave salary, gratuity, GPF and other post retiral



benefits including LIC in view of the Full Bench judgment of this Court in the case of **Mobina Khatoon Vs. The State of Bihar & Ors.** since reported in **2019(1) PLJR 1015** wherein while deciding the issue at paragraph-70 certain guidelines have been framed, which is as follows:

“70. For the aforesaid reasons, we deem it necessary and lawful to hold and declare the following that till the time, appropriate rules in this regard is framed by the Government:-

(I) That a work-charged employee who has completed ten(10) or more years of continuous service against one post in the work-charged establishment will be paid pension and his family, in case of death of such work-charged employee, would be paid the family pension.

(ii) The Work-charged employees who have received regular scale of pay for ten (10) or more years on their retirement and after their death, their heirs and dependants would be entitled to claim death-cum-retiral benefits.

(iii) However, the dependants of a work-charged employee would not be entitled to claim appointment on compassionate ground in the absence of any scheme framed by the



*Government for such work-charged
establishment.”*

Learned counsel for the State submits that the matter is now fully covered by the Full Bench Judgment in the case of **Mobina Khatoon** (supra).

Under such circumstances, this writ application is disposed of with the direction to the respondents to pay the retiral benefits of the late employee to the petitioner within a period of three months from the date of receipt/production of the copy of the order.

(Nilu Agrawal, J)

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