

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3130 of 2017

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Shubhawati Devi, Widow of Late Lal Babu Prasad, R/o Chaprasi Quarter
Room No. 19, Veer Chand Patel Path, Patna 19

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Road Construction Department, Govt. of Bihar
3. The Engineer in Chief, Road Construction Department, Govt. of Bihar
4. The Accountant General (A & E) Bihar, Veer Chand Patel Path, Patna-19
5. The Superintending Engineer, Road Construction Department, Patna Circle, Patna
6. The Executive Engineer, Ganga Bridge Project Division, Guljarbagh, Patna
7. The Treasury Officer, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Shekhar Tiwary, Advocate Miss Sweta, Advocate
For the A.G. Bihar	:	Mr. Satyendra Kumar Jha, Advocate
For the State	:	Mr.Uday Shankar Sharan Singh, GP-19 Mr. Uday Bhan Singh, AC to GP-19

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 15-03-2019

Heard learned counsel for the petitioner and learned
counsels appearing on behalf of the State and the Accountant
General, Bihar, Patna.

2. Petitioner's husband died in harness on 29.07.2007
from the post of Jeep Driver in the work charge establishment of
the Road Construction Department. Petitioner claims terminal
benefits including pension, gratuity, leave encashment and other
admissible retiral benefits being the widow of late Lal Babu
Prasad.



3. Learned counsel for the petitioner submits that 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*** the work charge employees are also entitled to post retiral benefits in view of the directions so issued at paragraph 70 of the judgment, which is reproduced hereinbelow :

“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 dependents would be entitled to claim death-cum-retiral benefits.

(iii) However, the dependents 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.”

4. Considering the aforesaid, Respondent No. 6, the Executive Engineer, Ganga Bridge Project Division, Gulzarbagh, Patna is hereby directed to pay the death cum retiral benefits of the late employee to the petitioner in the light of the Full Bench



judgment if the late employee was otherwise entitled within a period of three months from the date of receipt/production of a copy of this order.

5. Writ application is, accordingly, disposed of.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.03.2019
Transmission Date	NA

