

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1084 of 2017
IN
Civil Writ Jurisdiction Case No. 21024 of 2014**

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Gyanti Devi, Wife of Late Kaushal Kishore Singh, Resident of Mohalla Kosi Colony, Police Station Birpur, District Supaul

.... Appellant/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Secretary, Water Resource Department, Govt. of Bihar, Patna
3. The Chief Engineer, Water Resources, Department, Birpur, Supaul
4. The Superintending Engineer, Barrage Circle, Water Resource Department, Birpur, Supaul
5. The Executive Engineer, Headworks Division, Water Resource Department, Birpur, Supaul

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjeev Kumar Singh

For the Respondent/s : Mr. ANJANI KUMAR-AAG4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 12-07-2018

Challenge in the present Letters Patent Appeal is to the judgment dated 01.07.2017 passed by the learned Writ Court in Civil Writ Jurisdiction Case No.21024 of 2014 by which the learned Writ Court has refused to direct the respondent authorities to sanction family pension including arrears of family pension admissible to the appellant after giving due consideration to the representations dated 03.10.2012 and 10.11.2012.

Learned counsel for the petitioner-appellant submits



that the learned Writ Court could not appreciate that the husband of the petitioner has been regularized, but his regularization was cancelled vide letter no.2570 dated 08.08.2003 and he was reverted back as daily wage employee in the work charge establishment. It is his further submission that once the services of the appellant's husband had been regularized, certain rights had accrued to him and she has a legitimate expectation for payment of pensionary benefits. It is submitted that during the pendency of the writ application the representation of the petitioner was rejected by the Chief Engineer, Water Resources Department, Birpur vide memo no.1393 dated 02.05.2015 (Annexure-10) annexed with the I.A. No.1810 of 2016 which was challenged on various grounds stated in the I.A. Learned counsel submits that for purpose of taking family pension even one year of service would be sufficient, therefore learned Single Judge could not appreciate that the plea taken on behalf of the respondents that the husband of the petitioner-appellant had not completed 20 years of service was of no avail.

It is the stand of the State-respondents that the petitioner has already been paid the G.P.F. amount and Group Pension etc, but she would not be eligible for family pension because her husband was not regularized in the service. It is stated that the husband of the petitioner was working in the Work Charge



Establishment where he had not completed 15 years of service.

Having heard learned counsel for the parties and on perusal of the records, we find that the regularization of the husband of the petitioner was cancelled vide letter no.2570 dated 08.08.2003, there is nothing on record to show that the order cancelling the regularization of the husband of the petitioner was challenged before any competent court of law. In our considered opinion, if the order dated 08.08.2003 could not be challenged and the status of the husband of the petitioner was reverted back to the status of a daily wager in the work charge establishment, the claim of the petitioner for family pension is not admissible. We find no reason to interfere with the judgment of the learned Writ Court.

The Letters Patent Appeal has no merit. It is, accordingly, dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.07.2018
Transmission Date	

