

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13512 of 2019

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Poonam Singh Wife of late Ramayan Prasad, Resident of Mohalla- Professor Colony, North Shastrinagar, P.S. Shastrinagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Personnel and Administrative Reforms Department, Govt. of Bihar, Patna.
4. The Joint Secretary, General Administration, Govt. of Bihar, Patna.
5. The Under Secretary, General Administration, Govt. of Bihar, Patna.
6. The District Magistrate, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Hriday Prasad, Advocate
		Ms. Maruti Kumari, Advocate
For the Respondent/s	:	Mr. Manish Kumar (GP4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-07-2019 Heard the learned counsel for the petitioner and the State.

The late husband of the petitioner was inflicted with a punishment of censure in the year 2001-2002 and withholding of four increments with non-cumulative effect. The late husband of the petitioner was further punished by an order directing that he shall not be posted as Drawing and Disbursing Officer for 10 years.

The aforesaid order was challenged by the late



husband of the petitioner but during the pendency of the writ petition, namely, C.W.J.C. No. 17557 of 2010, he died and the petitioner thereafter was substituted in place of her late husband. The order of punishment, referred to above, was set aside on the ground that the employee was not given any opportunity for explaining his cause. A Bench of this Court *vide* order dated 13.07.2018 passed in C.W.J.C. No. 17557 of 2010, referred to above, allowed the writ petition and the order of punishment was consequently quashed.

The government, in the light of the decision of this Court, withdrew the order of punishment against the husband of the petitioner. Thereafter, several representations have been filed by the petitioner for according the financial benefit under the A.C.P. and M.A.C.P. schemes which would have been given to the employee, had he not been subjected to the punishment, which has now been quashed. Several representations of the petitioner regarding the aforesaid payment of the post-retiral dues of the petitioner after fixing all the dues have gone unheeded.

Under the aforesaid circumstances, this Court



directs the petitioner to make a fresh representation before the Principal Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna (Respondent No. 3) within a period of four weeks, who on receipt of such representation shall, after verifying the facts, pass / cause to be passed a reasoned order in accordance with law, within a further period of six weeks thereafter. The concerned respondent shall take into account that the petitioner is a widow of an employee, who has undertaken this toil to have the order of punishment against her late husband quashed and she should not be made to run for the benefits, to which she is entitled.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

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