

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.338 of 2017

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Gulabi Devi, Wife of Late Suresh Sao, Resident of Village- Mosimpur, P.S.
Khusrupur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Road Construction Department, Govt. of Bihar, Patna
2. The Special Secretary, Road Construction Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Road Construction Department, Govt. of Bihar, Patna.
4. The Superintending Engineer, Road Construction Department, Govt. of Bihar, Patna.
5. The Executive Engineer, N.H. Division, Gulzarbagh, Patna.
6. The Assistant Engineer, Road Sub Division, Patna City.
7. The Additional Secretary, Department of Finance, Govt. of Bihar, Patna.
8. Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Md. Anisur Rahman, Advocate
For the Respondent/s	:	Mr.Chitranjan Sinha, AAG2
For the A.G., Bihar		Mr. Satyendra Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 17-04-2019 Heard the learned counsel for the petitioner, learned

counsel for the State and learned counsel for the Accountant

General.

The prayer of the petitioner in the writ application is

being quoted hereinbelow:-

- A. For issuance of appropriate writ/order of direction quashing the order issued under Memo no. 1096(s) dated 18.11.2014 by which the regularization of services of the petitioner



through Memo no. 2836 dated 04.04.2014, has been cancelled as contained in Annexure-2 to this writ application.

- B. For issuance of appropriate writ/order or direction commanding the Respondents to treatment her husband as regular employee under the respondent State.
- C. For issuance of appropriate writ/order or direction commanding the respondents to make payment of entire retirement benefit including family pension as her husband died on 21.11.2013 after rendering service for 27 years as Jeep driver under the respondent State.
- D. For any other relief or reliefs for which the petitioner is found entitled in the opinion of this Hon'ble Court.”

The case of the petitioner, in brief, is that the husband of the petitioner, who was appointed as Jeep Driver in the year 1986 as work charge employee under the Respondents, died-in-harness on 21.11.2013. Later on, his services were regularized under Memo No. 2836 vide order dated 04.04.2014 (Annexure-I to the writ application). However, subsequently the same was cancelled by order contained in Memo no. 1096(S) dated 18.11.2014 (Annexure-2). Reliance has been placed on behalf of the petitioner on letter no. 1375 dated 13.02.2015 (Annexure-4) to the writ application. As per the said letter, it appears that the



Secretary, Road Construction Department has written to the Principal Secretary, Finance Department Bihar, Patna seeking guidelines with respect to the employees, who were regularized but died between 17.10.2013 to 28.02.2014. The husband of the petitioner died on 21.11.2013.

A counter affidavit has been filed on behalf of Accountant General and a separate counter affidavit has been filed on behalf of respondent nos. 1 to 5. It has been stated in paragraph-15 of the counter affidavit filed on behalf of respondent nos. 1 to 5 that the petitioner is having no cause of action to seek any relief from answering respondent as the matter of the petitioner is being considered with regard to the redressal of grievances by the said respondents.

Having heard the counsels for the parties, the Superintending Engineer, Road Construction Department, Govt. of Bihar, Patna (respondent no. 4) is directed to take an appropriate decision in the matter at the earliest, preferably within a period of three months from the date of receipt/production of a copy of this order. After the decision is taken by the Department, if any amount is found payable to the petitioner, the same should be paid within a further period of two months from the date of the decision. If any amount is not



found payable, a reasoned order shall be passed and communicated to the petitioner within the aforesaid period.

The writ application stands disposed of.

(Partha Sarthy, J)

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