

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6893 of 2017

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Smt. Neelam Santpuri Wife of late Paras Nath Santpuri Resident of Village-
Bedarwa, P.O.- Awaraia, Police Station- Adapur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Reural Development Department, Govt. of Bihar, Patna.
2. The Engineer-in-chief, Rural Engineering Organization, Bihar, Patna.
3. The Executive Engineer, Rural Engineering Organization, Work Division, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Tewary, Adv.
For the Respondent/s : Mr.Vijay Kr. Verma, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 31-07-2019 The present writ petition has been filed for directing the respondents to give family pension to the petitioner herein, whose husband died in harness while working as Roller Khalasi, in the work charged establishment.

The learned counsel for the respondents submits that the services of the petitioner were never regularized and he continued to work in the work charge establishment, hence he is not liable to be paid his retiral benefits.

At this stage, the learned counsel for the petitioner submits that now, the case of the petitioner is required to be considered in terms of the judgment rendered by the learned Full Bench of this Court in the case of **Mobina Khatoon vs.**



The State of Bihar & Ors., reported in 2019(1) PLJR 1015,

wherein the learned Full Bench has held 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 workcharged 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.”

In light of the aforesaid decision rendered by the learned Full Bench, this Court is of the opinion that it would be proper to dispose of the present writ petition with liberty to the petitioner to approach the respondent no.1 by filing an appropriate representation for grant of family pension in light of the judgment rendered by the learned Full Bench in the case of **Mobina Khatoon** (supra), whereupon the respondent no.1 shall decide the matter and pass a reasoned order within a period of eight weeks thereafter.



The writ petition stands disposed of with the aforesaid
directions.

(Mohit Kumar Shah, J)

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