

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25594 of 2019

Sanju Devi, W/o of late Baldev Yadav, R/o Quarter No. 44/84, New C.I.D. Colony, Shastri Nagar, P.S. Shastri Nagar, District- Patna, Pin- 800023

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Irrigation Department, Government of Bihar, New Secretariat, Vikash Bhawan, Bailey Road, Patna.
2. The Secretary, Minor Resource Department, Government of Bihar, New Secretariat, Vikash Bhawan, Bailey Road, Patna.
3. The Additional Secretary, Minor Resource Department, Government of Bihar, New Secretariat, Vikash Bhawan, Bailey Road, Patna.
4. The Under Secretary -Cum- DDC Minor Resource Department, Government of Bihar, New Secretariat, Vikash Bhawan, Bailey Road, Patna.
5. The Under Secretary, Minor Resource Department, Government of Bihar, New Secretariat, Vikash Bhawan, Bailey Road, Patna.
6. The Chief Engineer, Minor Resource Department, Government of Bihar, New Secretariat, Vikash Bhawan, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ranjit Jha, Advocate
For the Respondent/s : Mr.Sudish Kumar, AC to PAAG2

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 20-12-2019 Heard learned counsel for the petitioner and the respondents.

This is the second round of litigation. Earlier, the petitioner has approached this Court in C.W.J.C. No. 10263 of 2014 and a Coordinate Bench of this Court vide oral judgment dated 21.12.2015 passed the following order:

“Petitioner is the widow of one Sri Baldev Yadav, who was holding the post of a Peon, a class IV post, under Minor Water



Resources Department, Government of Bihar till he went missing on 27.11.2012. Information was given by the petitioner to the authorities including the Thana on 1.12.2012. Nothing has been heard about Baldeo Yadav so far nor did steps taken by the respondent State authorities or the police authorities yield any result with regard to whereabouts of the missing employee

The Court can very well appreciate the distress which the family is going through not only mentally and psychologically but even financially because the sole bread earner is not there for the last three years.

For instances of such kind the Department of Personnel and Administrative Reforms, Government of Bihar issued a letter no.7146 dated 31st of October, 2008 making provision for grant of compassionate appointment for missing class III and IV employees under similar circumstances. The reasons for issuing of such a letter, which is Annexure- 20, has also been talked about in the body of the letter which emerges after judicial direction on this issue in yet another writ application.

In the opinion of the Court, the parameters laid down in terms of Annexure- 20 dated 31st of October, 2008 is made out in the case of the present petitioner. The State authorities have themselves have relaxed the condition of waiting for 7 years in terms of the presumption under the Indian Evidence Act.



They have reduced the period in the given circumstances of such kind. Annexure- 20 also takes care in case such an employee is subsequently heard of or resurfaces.

Be that as it may, the writ application is disposed of with a direction upon the Principal Secretary, Water Resources Department that they have an obligation to consider the claim of the petitioner in terms of Annexure- 20 and take a within a period of three months from today.

In addition to that, there are other government circulars extract of which has been brought on record as Annexure- 19 series by the petitioner. This provision is dated 4.3.1987, which is at page 46 of the writ application. Even this aspect has to be looked into and decision taken within the time frame indicated above.

Writ stands disposed of in terms of the above.”

Learned counsel for the petitioner submits that for certain period by way of cheque Rs. 10,000/- was paid to the petitioner and thereafter the respondents have stopped payment and till date neither regular pension nor any retirement dues have been paid to the petitioner.

Considering the aforesaid, the writ application is disposed of with a direction to respondent no.2 (Secretary, Minor Resources Department) to finalize the entire terminal dues of the petitioner and so payment thereafter within a



maximum period of three months from the date of receipt/production of a copy of this order.

In the event, payment is not made to the petitioner within the time frame indicated above, the dues shall carry interest at the rate of 9% per annum from the date of order dated 21.12.2015 passed in C.W.J.C. No. 10263 of 2014 and the interest component shall be realized from the pocket of the officials of the Minor Water Resources Department, Government of Bihar, Patna.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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