

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10382 of 2019

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Mosmat Sunita Devi, Wife of Late Chattu Lal, resident of Turha Toli Danapur
Cantt, P.S. Danapur, District- at Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principle Secretary, Department of Industries, Patna Bihar.
3. The Director, Handloom and Sericulture Department of Industries Bihar Patna.
4. The Director, Department of Industry, Bihar, Patna.
5. The Principal Secretary, Department of Finance, Bihar, Patna.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajesh Dayal, Adv.
For the State	:	Mr.Kinkar Kumar (SC-9)
		Ms. Deepkia Sharma, AC to SC-9
For the AG, Bihar	:	Mr. Ram Kr. Chaudhary, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

9 13-01-2020 Heard learned counsel for the parties.

2. A counter affidavit has been filed on behalf of the Accountant General, from which it appears that the necessary authority slip has been issued on 15.12.2011.

3. A counter affidavit has also been filed on behalf of the respondents-State of Bihar. It appears in the opinion of the State of Bihar that the husband of the petitioner was initially working against a Class-IV post and was subsequently appointed as Routine Clerk, which is a Class-III post, by an authority who was not competent to appoint him.



4. Since the petitioner's husband is no more, a decision has been taken not to reduce the family pension, which the petitioner is getting. It further appears that while issuing the authority slip for payment of family pension and gratuity, the Accountant General has returned the service book of the petitioner's husband to the department with a request to re-examine the revised pay of the petitioner's late husband and return the same, if any revision was required.

5. As has been noticed above, in the opinion of the State Government, the appointment of the petitioner's husband against Class-III post was void *ab initio* and accordingly the said appointment has been cancelled by an order issued on 21.10.2019. The petitioner shall be at liberty to question the correctness of the said office order dated 21.10.2019, which has been brought on record by way of Annexure-R/1-4-G of the counter affidavit. The respondents shall, however, ensure that the petitioner is paid her admissible entitlements.

6. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

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