

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16771 of 2018

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Usha Devi Wife of Late Ram Narain Prasad Singh, resident of Mohalla-
Mithapur B Area, P.S.- Jakkanpur, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Public Health Engineering Department, Patna
2. The Chief Engineer, Public Health Engineering Department, Patna.
3. The Superintendant Engineer, Public Health Engineering Department, Patna.
4. The Executive Engineer, Public Health Engineering Department, Patna West, Patna.
5. The Accountant General Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Ghosarvey
For the Respondent/s : Mr.Arvind Ujjwal- Sc4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 07-09-2020

1. Heard the learned counsel for the petitioner and Sri Arvind Ujjwal -S.C.4, the learned counsel for the respondent- State.

2. The present writ petition has been filed for directing the respondents to pay the retiral benefits of the husband of the petitioner herein who is stated to have worked from September, 1963 to 30.06.1976 and has died on 28.12.2011.

3. The learned counsel for the petitioner has submitted that the husband of the petitioner was appointed on the post of Fero Printer (Nil Mudrak) in the month of



September, 1963 and had worked under the respondent no. 4 till 13.06.1975, whereafter he had fallen ill. It is further submitted that the husband of the petitioner had then died on 28.12.2011, however he has not been paid any retiral dues.

4. The learned counsel for the respondent-State has submitted that the present petition is barred by the principal of delay and laches as also is not maintainable on the ground that the husband of the petitioner never approached this Court seeking relief, as prayed for in the present petition, during his life time and moreover, no supportive documents have been annexed in the writ petition so as to make out a case in favour of the petitioner or her deceased husband. It is further submitted by referring to supplementary counter affidavit filed on behalf of the respondents no. 2 and 3 that the petitioner has suppressed and concealed the fact that her deceased husband had approached this Court by filing a writ petition bearing C.W.J.C. no. 6342 of 1997 for payment of salary and allowances admissible to a "TRACER" in the Public Health Engineering Department w.e.f. 01.10.1988, however the said writ petition was dismissed by a co-ordinate Bench of this Court vide order dated 10.02.1999. The deceased husband of the petitioner had then challenged the aforesaid order dated 10.02.1999 by filing



an appeal bearing L.P.A. no. 364 of 1999, however the same was also dismissed. It is further submitted that in view of the aforesaid order dated 10.02.1999, passed in C.W.J.C. no. 6342 of 1997, a departmental proceeding was initiated against the deceased husband of the petitioner vide Memo dated 18.08.1999, to which the deceased husband of the petitioner had filed his reply which was not found satisfactory, hence the services of the deceased husband of the petitioner was terminated with retrospective effect vide memo dated 04.10.1999. It is further submitted that neither the deceased husband of the petitioner nor the petitioner have ever challenged the aforesaid order of termination dated 04.10.1999, hence no retiral benefit is admissible to the deceased husband of the petitioner. It is further submitted that the petitioner had been absconding for a long time and had remained on unauthorized absence for several years, hence he does not deserve any sympathy.

5. I have heard the learned counsel for the parties and perused the materials on record, from which it is apparent that the deceased husband of the petitioner had stood terminated from his services vide order dated 04.10.1999, thus he is not entitled to any retiral benefits and moreover, the present writ



petition is also marred by the principals of delay and laches.
Thus, this Court does not find any merit in the present writ
petition, hence the same stands dismissed, however without any
order as to costs.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.09.2020
Transmission Date	NA

