

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.122 of 2020

In
Civil Writ Jurisdiction Case No.18764 of 2019

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Most. Dharamshila Devi, wife of Late Rajdeo Mistry, Resident of Village-
Eqbalganj, Nisharpura, P.S.- Nisharpura, P.S.- Ranitalab, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Bihar, Patna.
2. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Chief Engineer (Mechanical), Public Health Engineering Department, Bihar, Patna.
4. The Superintending Engineer, Public Health Mechanical Circle, Patna.
5. The Executive Engineer, Public Health Mechanical Division, Patna East, Patna.
6. The Junior Mechanical Engineer, Public Health Mechanical Section, New Capital, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhola Kumar, Advocate
For the Respondent/s : Mr. S. Raza Ahmad (A.A.G.-5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 08-09-2021

Heard learned counsel for the parties.

Being aggrieved by judgement and order dated
10.01.2020 passed in C.W.J.C. No. 18764 of 2019 passed by
learned Single Judge of this Hon'ble Court, dismissing the writ
petition, appellant/petitioner has preferred this L.P.A.

Appellant had filed writ petition for setting aside the order dated 26.06.2019 passed by the Chief Engineer, Public Health Engineering Department, Government of Bihar whereby claim of the appellant for declaring her husband to be a work-charge employee as well as grant of family pension has been rejected.

Learned Single Judge has held that petitioner had approached this Court earlier also claiming family pension by filing writ petition being C.W.J.C. No. 302 of 2017 in which contention of petitioner was that her husband was working as a daily wager and in view of government circular those employees who have completed five years of service as daily wage workers were entitled to be appointed in the work-charge establishment on regular basis. However, said contention did not find favour by the writ court for the reason that husband of petitioner continued to work as daily wager and was never brought into the work-charge establishment on regular basis and, as such, no direction can be issued for payment of family pension and other post retiral benefits to the petitioner, however, a direction was issued to the authorities to consider the representation of petitioner and to pass appropriate order and pursuant to said liberty, petitioner filed a representation which

was dismissed by order dated 26.06.2019 as impugned in this petition.

Writ Court dismissed the writ petition on the ground that in previous round of litigation, similar relief claimed in previous writ petition was denied to the petitioner, as such, no second writ petition was maintainable for the similar relief which was denied to the petitioner in previous writ petition and said order having attained finality.

This Court does not find any infirmity or error in the order passed by the learned Single Judge, accordingly, the L.P.A. is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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