

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5832 of 2020

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Kailasho Devi Wife of Late Satya Deo Tiwary, Residence of Village-
Chandwa, P.S.-Nawada (Ara), District-Ara, Bhojpur. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Animal Husbandry, Government of Bihar, Patna.
2. The Director of Animal Husbandry, Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
5. The Regional Director, Animal Husbandry, Central Zone, Patna.
6. The District Animal Husbandry Officer, Ara, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 07-01-2021 The respondents have filed a counter affidavit raising their plea firstly that the husband of the petitioner had not passed the Accounts Examination and secondly that there is delay in filing the writ petition and as such the petitioner is not entitled to grant of consequential benefits of 2nd time bound promotion.

So far as the first plea taken by the respondents concerned, if the husband of the petitioner had not passed the Accounts Examination then under what circumstances first Time Bound Promotion was granted to the husband of the petitioner by the respondents with their open eyes, and secondly, for grant of time bound promotion passing of Accounts



Examination is not obligatory. If the late husband of the petitioner has completed the service required for grant of 2nd time bound promotion then it was duty of the employer to ensure grant of second time bound promotion with all consequential benefits.

Since the petitioner is widow of the deceased employee, she was not in a position to give entire record of her husband at the relevant time, the plea that there is delay in filing the writ petition does not appeal to this Court.

In the totality of the fact situation, the writ petition is disposed of with the direction to the respondents to examine the service records of the late husband of the petitioner and if the husband of the petitioner had qualified service period for grant of second time bound promotion, the same may be granted to let husband of the petitioner with all consequential benefits and the same may be paid to the petitioner, the widow of late employee. Entire exercise in this regard must be completed by the respondents within a period of four months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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