

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9295 of 2018

Chandrakala Devi, W/o late Sikandar Singh, Resident of Vill + Post- Sighahi,
P.O. - Mithai, P.S.-Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Water Resources Department, Sinchai Bhawan, Patna.
3. The Additional Secretary-cum-Additional Commissioner, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
4. The Engineer-in-Chief, Water Resources Department, Government of Bihar Sinchai Bhawan, Patna.
5. The Executive Engineer, Western Koshi Canal Division No.1, Raj Nagar, District Madhubani Now modified as Water Resources Department, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Nikunj Shekhar, Advocate.
For the Respondent/s : Mr.Vinay Kriti Singh, GA-2.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

7 04-02-2021 Heard the parties.

Petitioner's husband Late Sikandar Prasad Singh was employed as Karya Darshak in Western Koshi Canal Division, Rajnagar, Madhubani. He was retrenched from service by the respondent authorities. Thereafter, husband of the petitioner challenged his retrenchment / termination before the Labour Court, Muzaffarpur in Reference Case No. 4 of 1998 and the Labour Court allowed the prayer of the husband of the petitioner on the ground that there was non-compliance of the mandate of provisions of Section 25F of the Industrial Dispute Act. The respondents challenged the order of the Labour Court in



C.W.J.C. No. 10033 of 2006. The aforesaid writ application was dismissed on 20.07.2012 vide order at Annexure-1. The dismissal was challenged in L.P.A. No. 1888 of 2012 which was also dismissed on 17.01.2018 vide order at Annexure-2. Thereafter, the respondents challenged the matter before the Hon'ble Supreme Court in SLP Diary No. 1337 of 2019, however the SLP was dismissed for default there-at and no step for restoration was taken up.

In pursuance of the direction of the Labour Court which was affirmed up to the LPA Court, the husband of the petitioner was reinstated and back wages was paid to him.

Besides claim for back wages, the petitioner has raised that husband of the petitioner was entitled for post retiral benefits including pension and gratuity.

In the supplementary counter affidavit, State-respondents contends that since the husband of the petitioner was holding a temporary post in the work charge establishment, he was not entitled for post retiral benefits like regular and permanent employee of the State.

The petitioner has failed to demonstrate that the husband of the petitioner was on a permanent post on regular basis. Hence, prayer for post retiral benefits is not entertainable.



Other grievance of back wages have already been redressed by the respondents.

Accordingly, this application stands disposed of.

(Birendra Kumar, J)

mantreshwar/-

U			
---	--	--	--

