

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.764 of 2014

In
Civil Writ Jurisdiction Case No.8311 of 2013

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Smt. Vimla Kumari Devi Wife of Late Dhoor Kheli Paswan Resident of
Village- Rajwara, Police Station Post- Barauni, District- Begusarai

... .. Appellant/s

Versus

1. The State Of Bihar.
2. Chief Secretary, Bihar, Patna
3. Commissioner cum Secretary, Karmik and Administrative Reforms Formal
Department
4. Deputy Secretary, Karmik and Administrative Reforms Department
5. District Magistrate, Begusarai
6. Sub-Divisional Officer, Begusarai
7. Circle Officer, Bhagwanpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr. Ram Balak Mahto

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

6 20-12-2022

None appears for the appellant.

The appellant has prayed for the following reliefs:

*“That this L.P.A. is being
preferred against the order/judgment dated
13.12.2013 passed in C.W.J.C. No. 8311 of
2013 by Hon’ble Mr. Justice Ajay Kumar
Tripathi dismissing the said writ
application filed by the petitioner for the
payment of the amount of GPF, Life
Insurance, Full Salary of suspension
period of her husband, holding that the
husband of the petitioner has been*



convicted by the trial Court for murder and sentenced to life merely because Criminal Appeal is pending before the High Court and bail was granted, it does not mean he has been absolved of his charge. Any relief which the petitioner is looking for can only accrue provided a Final decision exonerating the husband of the petitioner in the criminal appeal emerges from the High Court.”

The appellant's husband was involved in Naokothi P.S. Case No. 07 of 1983 for the offences under Sections 323 and 302/34 of the Indian Penal Code on 27.03.1983. He was arrested on 06.04.1983. Her husband was placed under deemed suspension with reference to date of his arrest on 06.04.1983. On 13.08.1983, he was granted bail and he was taken back to duty on 29.08.1983.

In the criminal proceedings, he was convicted for life by the learned Addl. Sessions Judge-III, Begusarai on 25.05.1990. Criminal Appeal No. 211 of 1990 was preferred by her husband in which sentence must have been suspended and once again he was taken back to duty on 18.06.1990, thereafter he was placed under suspension. Show cause notice is stated to have been issued seeking explanation of the deceased employee with reference to conviction in the year 1990, thereafter, he was dismissed from services on 05.01.2012 and he died on 04.03.2012. Before his death, he had preferred service appeal



and service appeal dismissed due to absence of the deceased-husband. On 27.04.2013 dismissal of service appeal on account of absence of deceased employee is incorrect, on the other hand, Appellate Authority should have treated the service appeal as abated. To that extent, Appellate Authority has committed error, therefore, the Appellate Authority is hereby directed to pass a fresh order in the service appeal treating the service appeal as abated such order shall be communicated to the appellant. Further, it is noticed that criminal appeal filed by the deceased employee stands abated. In the light of these facts and circumstances, a detailed speaking order shall be passed by the Appellate authority and communicate the same to the appellant. The aforesaid order shall be passed within a period of three months from the date of receipt of this order. Order of the learned Single Judge would not come in the way to Appellate authority to pass afresh order.

Accordingly, the L.P.A. stands disposed of.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

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