

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3060 of 2021

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Pinki Kumari W/o Late Ajeet Kumar resident of Village-Badhauna, P.O.-Tej Bigha, P.S.-Kako, District-Jehanabad.

... .. Petitioner/s

Versus

1. The Union of India, through the D.G. Cum Secretary Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General Bihar Circle, Patna.
3. The Director of Postal Services (HQ) O/o the Chief Postmaster General, Bihar Circle, Patna.
4. The Asstt. Director (Staff and Recruitment) O/o the Chief Postmaster General, Bihar Circle, Patna.
5. The Superintendent, RMS 'C' Division Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s :
For the Respondent/s : Mr. Dr. K. N. Singh, ASG
Mr. Ratnesh Kumar, CGC
Mr. Atul Anand, AC to CGC

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

11 15-09-2022 None appears for the petitioner.

On 04.07.2022, following order was passed:

“The respondent's husband Shri Ajeet Kumar and others services were terminated and it was the subject matter of various litigations before the Central Administrative Tribunal. The deceased Ajeet Kumar and others' O.A. was allowed on 6.5.2015.



Felling aggrieved and dissatisfied with the order of the CAT dated 6.5.2015, the petitioner-department preferred C.W.J.C. No. 11816 of 2015 and it was rejected on 24.9.2015. Thus, the order of the Tribunal dated 6.5.2015 (Annexure-P/5) has attained finality.

The respondent-department while implementing the order dated 6.5.2015 of the Tribunal reinstated the deceased Ajeet Kumar and others on 14.11.2015. However, consequential benefits have not been extended. On the other hand, the deceased Ajeet Kumar filed original application before the Tribunal with the following relief:

"The respondent authorities may directed to issue necessary orders in favour of the of applicant regarding his period of Termination, regularizing the same with all consequential benefits pursuant to Paragraph -12 of order of the Hon'ble Tribunal passed in the case of the applicant in OA/050/00870/2014 as contained at Annexure-A/5.

The benefits of increment denied to applicant, may be directed to be granted with monetary benefits so that his salary become at par with his batch mates.

Any other relief/reliefs as the applicant is entitled and your Lordships may deem fit and proper in the ends of justice"

The Tribunal disallowed the O.A. thus the present petition is presented by the wife of the deceased-employee. In the light of these facts and circumstances, the department - respondents are hereby directed to pass a speaking order in respect of what are



the consequential benefits the deceased employee was entitled in the light of order dated 6.5.2015 passed in O.A. No. 050/00870/2014 and connected matter before the Tribunal read with C.W.J.C. No. 11816 of 2015 decided on 24.9.2015.

For the reasons that the departments have not taken any decision as to what are the consequential benefits i.e. entitlement of the deceased employee Ajeet Kumar with reference of the order of termination and quashing of the order termination by the Tribunal and its affirmation by this Court. Such affidavit along with the speaking order/decision shall be placed on record before the next date of hearing.

Re-list this matter on 18.7.2022.”

Concerned respondent has passed speaking order on 22.07.2022 in extending certain service benefits for the deceased employee. In the result, petitioner - *Pinki Kumari*, wife of the deceased employee *Sri Ajeet Kumar* is entitled to monetary benefits. If monetary benefits have not been calculated and disbursed as on today, the same shall be calculated and disbursed in favour of *Pinki Kumri* – wife of deceased employee *Sri Ajeet Kumar* within a period of eight weeks from the date of receipt of this order, if it is not already settled. If there is any further delay in settling the monetary benefits to the petitioner - *Pinki Kumari*, in that event, she is entitled to interest @ 8 % on all arrears amount. Further, she is



entitled to litigation cost and it is quantified @ of Rs. 25,000/-
(Rupees Twenty Five Thousand).

(P. B. Bajanthri, J)

(Rajiv Roy, J)

GAURAV S./-

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