

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14316 of 2021

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Usha Devi Widow of Late Jay Nandan Sharma, Resident of Village - Near
P.W.D., Dharhara, P.S.- Paliganj, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home (Police), Government of Bihar, Patna.
2. The Director General of Police, Patna.
3. The Deputy Inspector General of Police, Sahabad Region, Dehri On Sone, Dalmianagar.
4. The Superintendent of Police, Ara, Bhojpur.
5. The Assistant Accountant General Bihar, Patna.
6. The Treasury Officer, Danapur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs.Prakritita Sharma, Advocate
For the State	:	Mr.Manish Kumar (GP-4)
		Mr. Manoj Kumar, AC to GP-4
For the A.G.	:	Dr. Anand Kumar, Advocate
		Mr. Ramesh Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-12-2023 The present writ petition has been filed
seeking the following relief:-

*“1. i. To direct the respondents to
revise the pay fixation of the
deceased-husband of the petitioner
by addition of regular increments
and other benefit from 22.07.1990
(the date of dismissal) to
27.01.2012 (the date of joining after
reinstated in service); as also to
make fresh assessment of death-*



cum-retirement benefit on the basis of fresh calculation of salary enhancement and make payment of the differential amount forthwith along with interest.

ii. To direct the respondents to make fresh assessment and calculation of rate of enhancement of salary of the deceased husband of the petitioner since 22.07.1990 taking into account the period of delay in disposing the appeal pending before the Deputy Inspector General of Police, Sahabad which was disposed of only after the direction of this Hon'ble Court vide order dated 18.05.2011 passed in CWJC No. 11930 of 2006.

iii. To declare and hold that the principle of no work no pay is not applicable in the case of the deceased husband of the petitioner because the prolonged delay occurred in disposal of Appeal due to the laches and negligence of the Appellate Authority and accordingly direct the authorities to pay the salary of the period of dismissal



from service of the deceased husband of the petitioner.

iv. To quash the order as contained in Memo No. 341 dated 27.01.2012 passed by the Director General of Police, Patna to the extent whereby and whereunder the D.G.P., Patna has directed not to pay the salary of the period of dismissal, keeping in view the prolonged period of pendency of Appeal.

v. To modify or amend the Pension Payment Order of the petitioner which was issued vide PPO No 201412062962 dated 10.09.2014 in the light of revised pay fixation of the deceased husband of the petitioner, with all consequential benefits.

vi. To grant leave to add, amend, modify, or otherwise vary the grounds in support of this writ.”

2. At the outset, the learned counsel for the petitioner submits that though the deceased husband of the petitioner has been granted regular increments for the period 1990 to 2012, however, since the respondents have now passed an order



dated 18.12.2021, issued under the pen and signature of the Inspector of Police cum Sergeant Major, Police Centre, Bhojpur at Ara, holding that no salary for the said period would be payable on the principle of 'no work no pay', the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the said order dated 18.12.2021, by taking recourse to such remedies, as are otherwise available under the law. Liberty, so sought, is granted.

3. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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