

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16175 of 2024

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1. The Indian Council of Medical Research (ICMR) through the Director General, V. Ramalingaswamy Bhawan, Ansari Nagar, New Delhi-110029.
 2. The Additional Director General, Indian Council of Medical Research (ICMR), V. Ramalingaswamy Bhawan, Ansari Nagar, New Delhi-110029.
 3. The Director, Rajendra Memorial Research Institute of Medical Sciences (ICMR) Agamkuan, Patna-800016.
 4. The Administrative Officer, Rajendra Memorial Research Institute of Medical Sciences (ICMR), Agamkuan, Patna-800016.

... .. Petitioner/s

Versus

1. Urmila Devi Wife of Late Baleshwar Prasad Saw, Resident of Mohalla-Tulsi Mandi, P.O. Guljarbagh, P.S. Alamganj, District-Patna-800007.
2. The Union of India through the Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, Government of India, New Delhi-110001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amish Kumar, CGC
For the Respondent/s : Mr. Bindhyachal Rai, Sr. Advocate

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

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

5 04-12-2024 The Indian Council of Medical Research (for short ‘the ICMR’) and others have assailed the order of the Central Administrative Tribunal, Patna Bench, Patna (for short ‘the CAT’), dated 30.05.2024 passed in O.A. No. 050/00509 of 2019.

2. The respondents’ grievance is relating to settlement of pension of the deceased - *late Baleshwar Prasad Saw*. The



CAT proceeded to allow the application in the light of the Co-ordinate Bench decision dated 18.04.2017 passed in CWJC No. 8924 of 2016 (**Geeta Devi vs. Union of India**) read with Hon'ble Supreme Court decision dated 04.09.2017 in Special Leave to Appeal (C) Diary No. (s) 22127 of 2017 (**Director General, Indian Council of Medical Research and Ors. vs. Geeta Devi**). The reasons for filing the present O.A. is that there is a delay on the part of the 1st respondent to the extent her husband late *Baleshwar Prasad Saw* is stated to have died on 26.03.2009 and the original application was filed in the year 2019.

3. Seeking pension / family pension is continuing cause of action, therefore, question of limitation would not arise. On the issue of continuing cause of action the Hon'ble Supreme Court in the case of **M.R. Gupta vs. Union of India and Others** reported in (1995) 5 SCC 628 held that the third party right would not affect and the cause of action accrued every month. Therefore question of delay may not be a hurdle. In the light of these facts and circumstances, the petitioners have not made out a case. Accordingly, present writ petition stands dismissed.

4. The other contentions are urged in the present writ



petition are squarely covered by the Co-ordinate Bench decision dated 18.04.2017 passed in CWJC No. 8924 of 2016 (**Geeta Devi vs. Union of India**) read with Hon'ble Supreme Court decision dated 04.09.2017 in Special Leave to Appeal (C) Diary No. (s) 22127 of 2017 (**Director General, Indian Council of Medical Research and Ors. vs. Geeta Devi**).

5. The concerned petitioner is hereby directed to settle all the monetary dues which are due to the late *Baleshwar Prasad Saw* in favour of his legal heir - respondent and further family pension shall be fixed from the date it was due to her. In this regard, detailed calculation shall be made and disbursed the arrears amount within a period of four months from the date of receipt of copy of this order, failing which 1st respondent is entitled to interest on all dues @ 8 % per annum.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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