

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15240 of 2024

1. The Union of India through the Secretary, Department of Posts, Government of India, Sansad Marg, Dak Bhawan, New Delhi-800001.
2. The Director General, Department of Posts, Sansad Marg, Dak Bhawan, New Delhi-110001.
3. The Chief Postmaster General, Bihar Circle, Meghdoot Bhawan, Patna-800001.
4. The Director of Accounts (Postal) Bihar, GPO Campus, Patna-800001.
5. The Senior Superintendent, RMS, PT-Dn, Patna-800004.
6. The Head Record Officer, HRO, RMS, PT-Dn, Patna-800004.
7. The Sub Records Officer, SRO, RMS, PT-Dn Arrah, Pin-802301.

... .. Petitioner/s

Versus

Meena Devi, aged about 49 years, (Female) Wife of Late Laxman Dubey, Resident of Village-Baraki Bashauli, P.O.-Barki Bashauli, District-Buxar (Bihar), Pin-802119.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. K. N. Singh, A.S.G. Mr. Anand Kumar Ojha, Advocate Mr. Ashok Kumar Karna, Advocate
For the Respondent/s	:	Mr. Om Prakash Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 22-10-2024

In the instant petition, the petitioners have prayed for the following reliefs:-

“That the petitioners in the instant writ application pray for quashing of the order dated 27.09.2023 / 06.10.2023 passed by the Hon’ble Central Administrative Tribunal (CAT) Patna Bench, Patna in OA No.



*050/0388/2019 whereby and whereunder the Hon'ble Tribunal had allowed the OA holding the deceased employee to be entitled for the pension to be computed in the light of observation in the impugned order. The petitioners seek a declaration that only 50% of the services rendered under temporary status would be counted for the purpose of retiral benefits after regularization in terms of Casual Labours (Grant of Temporary Status and Regularization Scheme) issue under the Letter dated 15.05.1991 which is binding in terms of law laid down in the case of **Nair Service Society v. Dr. T. Beermasthan, (2009) 5 SCC 545 (Para 48)** specially when scheme has not been challenged by the deceased employee."*

2. Heard Mr. K. N Singh, learned ASG for the petitioners submitted on instruction that petitioners are not pressing the present writ petition on merits, on the other hand, they are undertaking process of complying the orders of the Central Administrative Tribunal, Patna Bench Patna dated 06th October, 2023 passed in O.A. No. 050/00388/2019 in the light of Co-ordinate Bench order dated 24.07.2024 passed in C.W.J.C. No. 9203 of 2024 (Union of India and Ors. Vs. Mojib Ansari). The petitioners seek only extension of time to comply the order of the Central Administrative Tribunal, Patna Bench Patna dated 06th October, 2023.

3. On perusal of the order of Central Administrative Tribunal, Patna Bench Patna dated 06th October, 2023 read with



the fact that within a period of three months, the petitioners were required to comply with the aforesaid order, failing which, the interest shall be paid at the rate of 9 per cent from the date of entitlement till final payment is made. Time limit has been extended further for a period of three months from today. However, we are clarifying that respondent is entitled to interest at the rate of 9 per cent per annum on the score that belated settlement of respondent’s monetary benefits.

4. The writ petition stands disposed of in the aforementioned terms.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Anand Kr.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.10.2024
Transmission Date	

