

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3363 of 2020

Pushpa Rani, Wife of late Raj Kumar, Resident of House No. 3, New Punjabi Colony, Chitkohra, P.S. Gardanibagh, P.O. Anisabad, District- Patna, Pin Code- 800002, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna-800015.
2. The Principal Secretary, Department of Animal Husbandry, Government of Bihar, Patna.
3. The Bihar Animal Sciences University through it's Vice Chancellor. having their offices in Bihar Vetenary College Campus, Near Patna Airport, Patna - 800014.
4. The Registrar, Bihar Animal Sciences University, having their offices in Bihar Vetenary College Campus, Near Patna Airport, Patna - 800014.
5. The Bihar Vetenary College through it's Dean, Near Patna Airport, Patna-800014.
6. The Dean, Bihar Vetenary College, Near Patna Airport, Patna -800014.
7. The Principal, Bihar Vetenary College, Nar Patna Airport Patna- 800014.
8. The Bihar Agricultural University, Sobour, Bhagalpur, through it's Vice Chancellor, Sabour, Bhagalpur.
9. The Vice Chancellor, Bihar Agricultural University, Sobour, Bhagalpur.
10. The Registrar, Bihar Agricultural University, Sobour, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajiv Nayan Singh, Adv
For the State	:	Mr. Rishi Raj Sinha (Sc19)
For the BASU	:	Mr. Anjani Kumar, Sr. Adv Mr. Alok Kumar, Adv
For the BAU	:	Mr. Sriram Krishna, Adv Mr. Prabhat Kumar Singh, Adv Mr. Shashank Shekhar, Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 30-09-2024 Heard the parties.

2. The present writ application has been filed on behalf of the petitioner for the following reliefs:



(i) For a direction to the respondent nos.1 to 6 to regularize the services of the original petitioner w.e.f. 02.11.1982 to 06.06.1992 on the basis of the doctrine of “No work No pay” for the said period.

(ii) For a direction to the respondent nos. 1 to 6 to make notional fixations of the pay of the petitioner in the revised pay-scales by granting annual increments notionally for the said period his absence from the services w.e.f 02.11.1982 to 08.06.1992 under extra ordinary circumstances beyond his control.

(iii) For a further direction to the respondent nos.1 to 6 to grant the benefits of ACP/MACP to the petitioner by treating his services in continuity w.e.f. the date of his initial appointment till the date of superannuation from the services i.e. w.e.f. 23.10.1997 to 30.09.2016 and accordingly, pay to the petitioner the arrears of the difference salary payable to him on that basis.

(iv) Any other relief for which the petitioner is found entitled to.

3. A supplementary counter affidavit is filed on behalf of the State stating that the husband of the petitioner died on 17.06.2022 and the same was intimated to the University and accordingly full family pension that is to say without deducting 10% is sanctioned in favour of the petitioner w.e.f 18.06.2022 vide O.O. No.159/Comp/Pension/BASU, Patna dated



08.02.2023, (Annexure-Q of the supplementary counter affidavit). The petitioner retired from his service as per calculation sheet of pension and gratuity under the 7th pay total length of service of the petitioner has been shown 24 years 03 months 23 days. (Annexure-M of the supplementary counter affidavit).

4. Considering the materials available on record, I am not inclined to give any direction to the respondent authority to regularize the service of the petitioner w.e.f. 02.11.1982 to 08.06.1992.

5. Accordingly, this writ application is dismissed.

6. However, the authority concerned is directed to give the admitted dues to the petitioner, if pending against her.

(Anjani Kumar Sharan, J)

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