

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12027 of 2025

1. Union of India through the Secretary, Ministry of Communication, Government of India, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. The Director General, Department of Posts, Government of India, Dak Bhawan, Sansad Marg, New Delhi-110001.
3. The Chief Postmaster General, Bihar Circle, Meghdoot Bhawan, Patna-800001.
4. The General Manager (Finance), Postal Accounts Office, Bihar, GPO Campus, Patna-800001.
5. The Director of Postal Services, Head Quarter, Bihar Circle, Meghdoot Bhawan, Patna-800001.
6. The Senior Superintendent of Post Office, Gaya Division, Gaya-823001.
7. The Senior Post Master, Gaya Head Post Office, Gaya-823001.

... .. Petitioner/s

Versus

Bijay Prasad S/o Late Mekhan, Resident of Village Kalyanpur, Post Office Paipura Kala Via Paliganj, District-Patna (Bihar)-801110 at present retired Gardener-cum-caretaker office of Senior Superintendent Post Office, Gaya Division, Gaya (Bihar)-823001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Dr. Iti Suman, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and

HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA)

Date : 04-09-2025

Heard Dr. Iti Suman, learned counsel for the petitioners.

2. The present writ petition has been filed for setting aside the order dated 27.09.2024 passed in OA No. 050/0061 of 2023 by the learned Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as CAT).

3. The learned CAT has been pleased to allow the aforesaid OA and the learned CAT has also held that the



applicant was entitled for pension to be computed as per findings recorded in the order and the petitioner herein Respondents were directed to settle the pension, family pension and all other retiral benefits accordingly and pay the arrears within period of three months from the date of production/receipt of order with interest @ 8 % per annum from the date of entitlement failing which the interest shall be paid @ 9% per annum from the date of entitlement till final payment.

4. The applicant/respondent was engaged as contingent paid Mali at Divisional Office Gaya on payment of monthly allowance w.e.f. 01.02.1985. Services of the applicant/respondent was enhanced for seven hours w.e.f 01.08.1993 and allowance was also enhanced from Rs. 565/- to Rs. 659/- vide order dated 29.07.1993. The applicant/respondent was entrusted with additional duty of Caretaker in Inspection Room and accordingly his duty enhanced from seven hours to eight hours vide order dated 23.02.1999. The applicant/respondent was conferred temporary status of Group D cadre being full time contingency paid staff w.e.f. 01.03.2000 vide order datd 01.03.2000. The applicant/respondent was granted temporary status of Group D from 01.03.2000 and continued working in the same condition upto his retirement i.e.,



31.08.2022. The applicant/respondent made representation on 12.09.2018 to the respondents requesting for regularization of his services and again just few days before his retirement, the applicant/respondent made yet another representation dated 25.07.2022. The applicant/respondent is claiming that he was conferred temporary status on 01.03.2000 and remained in job upto 31.08.2022 and has worked as temporary status for 22 years and 5 months and, therefore, 50% of this period is required to be reckoned towards qualifying service and his services would be more than the required 10 years. Hence, he is entitled to pension in old pension scheme from 01.09.2022.

5. It has been informed by the Bar that the similar issue has been decided by this Bench in the case of The Union of India and Ors Vs. Pramila Devi vide order dated 01.09.2025 and by a Co-ordinate Bench of this Court in the case of The Union of India and Ors Vs. Meena Dive @ Meena Kumari passed in C.W.J.C No. 7760 of 2015 which was decided on 08.12.2022. The relevant portion of C.W.J.C No. 7760 of 2015 are quoted herein below:-

“Today learned counsel for the respondent furnished Temporary Service Rules and Central Civil Services (Temporary Service Rules, 1965), (for short Rules, 1965) he is relying on Rule 10(2) and relating to family pension and death gratuity Sub Rule 2



of Rule 10 reads as under:-

“(2) In the event of death of a temporary Govt. servant while in service, his family shall be eligible for family pension and death gratuity at the same scale and under the same provisions as are applicable to permanent Central Civilian Government servants under the Central Civil Services (Pension) Rules, 1972.”

On the other hand learned counsel for the petitioner’s department resisted the aforesaid contention of the respondent with reference to Sub Rule (4) of Rule 1 Rules, 1965 which reads as under:-

“Rule 1. Short, title commencement and application.

Sub Rule (4)- *Nothing in these rules shall apply to:-*

- (a) railway servants;*
- (b) Government servants not in whole-time employment;*
- (c) Government Servants engaged on contracts;*
- (d) Government servants paid out of contingencies;*
- (e) persons employed in extra-temporary establishments or in work-charged establishments other than the persons employed temporarily and who have opted for pensionary benefits.*
- (f) non-departmental telegraphists and telegraphmen employed in the Posts and Telegraphs Department;*
- (g) such other categories of employees as may be specified by the Central Government by notification published in the Official gazette.*

And it is further contended that applicability clause under the Central Civil Services(Pension), Rules 1972,



deceased employee or legal heirs of the deceased temporary employee would not fit into the applicability clause of Rules, 1972.

No doubt as and when Sub Rule 2 of Rule 10 incorporated on 22nd February, 1989 necessary amendment has not been carried out by the Government in so far as amending Rule 1(4) of Rules, 1965 and applicability clause of Rules, 1972 to the extent of extending family pension and gratuity to legal heir of a deceased temporary government servant vide Sub Rule 2 of Rule 10 of Rules, 1965.

The Supreme Court laid down the principles of Rule of harmonious construction in the case of CIT vs. Hindustan Bulk Carriers:-

- 1. The courts must avoid a head on clash of seemingly contradicting provisions and they must construe the contradictory provisions so as to harmonize them.*
- 2. The provision of one section cannot be used to defeat the provision contained in another unless the court, despite all its effort, is unable to find a way to reconcile the differences. When it is impossible to completely reconcile the differences in contradictory provisions, the courts must interpret them in such a way so that effect is given to both the provisions as much as possible.*
- 3. Courts must also keep in mind that interpretation that reduces one provision to a useless number or dead is not harmonious construction. To harmonize is not to destroy any statutory provision or to render it futile.*

In the case of Venkataramana Devaru v. State of Mysore (AIR 1958 SC 255), Calcutta Gas Company Pvt. Limited v State of West Bengal (AIR) 1962 SC 1044), Commissioner of Sales Tax, MP v Radha Krishna(1979) 2 SCC 249 and Sirsilk Ltd. V Govt. of Andhra Pradesh (AIR1964 SC 160) wherein Courts have examined harmonious construction of provision of law and ultimately rule of beneficial construction is



decided.

Rule of Beneficial Construction

Beneficent construction involved giving the widest meaning possible to the statutes. When there are two or more possible ways of interpreting a section or a word, the meaning which gives relief and protects the benefits which are purported to be given by the legislation, should be chosen. A beneficial statute has to be construed in its correct perspective so as to fructify the legislative intent. Although beneficial legislation does receive liberal interpretation, the courts try to remain within the scheme. It is also true that once the provision envisages the conferment of benefit limited in point of time and subject to the fulfillment of certain conditions, their non-compliance will have the effect of nullifying the benefit. There should be due stress and emphasis to Directive Principles of State Policy and any international convention on the subject.

There is no set principle of construction that a beneficial legislation should always be retrospectively operated although such legislation is either expressly or by necessary intendment not made retrospective. Further, the rule of interpretation can only be resorted to without doing any violence to the language of the statute. In case of any exception when the implementation of the beneficent act is restricted the Court would construe it narrowly so as not to unduly expand the area or scope of exception. The liberal construction can only flow from the language of the act and there cannot be placing of unnatural interpretation on the words contained in the enactment. Also, beneficial construction does not permit rising of any presumption that protection of widest amplitude must be deemed to have been conferred on those for whose benefit the



legislation may have been enacted. Beneficial Construction of statutes have enormously played an important role in the development and beneficial interpretation of socio-economic legislations and have always encouraged the Indian legislators to make more laws in favour of the backward class of people in India.

Comparison between the rule of Harmonious Construction and rule of Beneficial Construction.

Harmonious construction is only applied where there are a conflict between the meaning coming out of two different sections and the meaning in a situation of which section to apply? Whereas the rule of Beneficial Construction is applied in the case where any construction may do any benefit to the society or any group of people and are basically applied in the socio-economic legislations. Hence, there is no conflict between the meaning of any sections and meaning attributed to them. In the result, rule of harmonious construction and beneficial construction both play an importance in the interpretation of statutes and are two important rules of interpretation.

*Apex Court in the case of **Union of India vs. Prabahakran Vijay Kumar and ors.** Reported in (2008) 9 SCC 527 in para 12 it is held as under:-*

*12. It is well settled that if the words used in a beneficial or welfare statute are capable of two constructions, the one which is more in consonance with the object of the Act and for the benefit of the person for whom the Act was made should be preferred. In other words, beneficial or welfare statutes should be given a liberal and not literal or strict interpretation vide *Alembic Chemical Works Co. Ltd. v. Workmen* [AIR 1961 SC 647] (AIR para 7), *Jeewanlal Ltd. v. Appellate Authority* [(1984) 4 SCC 356 : 1984 SCC (L&S) 753 : AIR 1984 SC 1842] (AIR para 11), *Lalappa**



Lingappa v. Laxmi Vishnu Textile Mills Ltd. [(1981) 2 SCC 238 : 1981 SCC (L&S) 316 : AIR 1981 SC 852] (AIR para 13), S.M. Nilajkar v. Telecom District Manager [(2003) 4 SCC 27 : 2003 SCC (L&S) 380] (SCC para 12).

In the light of these facts and circumstances, even though they are contradictory provision of law relating to applicability clause in so far as, Rules, 1965 and Rule 1972. At the same time in not carrying out necessary amendment by the Government the litigant should not be penalised. We have to take note of the intent of the Government in incorporating Sub Rule 2 of 10 of Rules 1965 and it is a social legislation. Therefore, we have to draw inference that beneficial legislation to a beneficiary is required to be extended with reference to various judicial pronouncements on the principle of beneficial legislation. In the result the impugned order of the Central Administrative Tribunal dated 20.03.2013 passed in O.A. No. 164 of 2008 is affirmed while rejecting the Government Department CWJC No. 7760 of 2015 (present writ petition).

*Respondent is a legal heir and she is awaiting for certain monetary benefits for more than decade, therefore, the petitioner department is hereby directed to calculate monetary benefits in the light of Sub Rule 2 of 10 of Rules 1965 and the same shall be extended to the respondent within a period of three months from the date of receipt of this order, along with interest at the rate of 8% p.a. from 01.03.2008, in the light of the fact that respondent's husband died on 15.11.1997 and in the light of Apex Court's decision in the case of **Vijay L. Mehrotra v. State of U.P., (2001) 9 SCC 687.**"*

6. The relevant portion of the order dated 01.09.2025 passed in C.W.J.C No. 8513 of 2025 are quoted herein below:-

"9. It is to be further noted that the respondent had completed 39 years of uninterrupted



service, and was on status of a temporary worker, and during this period, she expressed willingness to be regularised; however, she was never regularized. The learned tribunal held as under:

“60. Respondents much emphasized that applicant while working as Temporary Status - Water Woman expressed her willingness to be promoted as regular employee, but not appointed on regular Group 'D' employee. As evident from pleadings applicant worked since year 1982 as Contingency Paid Water Woman but in more than 39 years of service could not be regularized and applicant never refused to be regularized on post she was working. Respondents (Petitioners herein) have not produced any order that applicant was promoted and this Tribunal finds that argument has no force and devoid of merit and repelled.

61. Hon'ble High Court Patna in similar case of Union of India versus Ratneshwar Singh, CWJC No.13117 of 2019 vide judgment dated 03.07.2019 (Annexure A/5 with OA) in paragraph 3, their Lordships held - 'These letters nowhere indicate that the respondent-petitioner had declined to accept regularization. In the said circumstances, the combined offer made by petitioner to promote him and then to treat him as regularized was not accepted by the respondent-petitioner for his personal letters, but that cannot be construed to mean that he had declined regularization on the post he was occupying. The continuous occupancy of post remained for 27 years undisputed in said background judgment in CWJC No.11435 of 2017 as extracted in paragraph 11 of impugned judgment comes to the aid of respondent-petitioner.' In view of law laid down in similar facts and contention raised by respondents, Hon'ble High Court, Patna their Lordships repelled similar contention as raised in case on hand. Arguments of learned counsel for respondents has no force no



document produced of promotion order and no application of refusal and repelled. In view whereof, OA deserves to be allowed, with all consequential benefits.”

10. The letter dated 30.11.1992 clearly stipulates that the labourers who were conferred with temporary status as per the scheme dated 12.04.1991, shall be treated at par with temporary Group-D employees with effect from the date, they complete three years of service in the newly acquired temporary status. The relevant part of the said letter is reproduced as under:

“(iii) Benefits to casual labourers on completion of three years' service, In temporary status. In their judgment, dated 29- 1-1989, the Hon'ble Supreme Court have held that after rendering three years of continuous service with temporary status, the casual labourers shall be treated at par with temporary Group 'D' employees of the Department of Posts and would thereby be entitled to such benefits as are admissible to Group 'D' employees on regular basis.

2. In compliance with the above-said directive of the Hon'ble Supreme Court, it has been decided that the casual labourers of this department conferred with temporary status as per the scheme circulated in the above-said circular No. 45-95/87-SPB. I, dated 12-4- 1991, be treated at par with temporary Group 'D' employees with effect from the date they complete three years of service in the newly acquired temporary status as per the above- aid scheme. From that date, they will be entitled to benefits admissible to temporary Group 'D' employees such as-

(1) All kinds of leave admissible to temporary employees;

(2) Holidays as admissible to regular employees;

(3) Counting of service for the purpose of pension and terminal benefits as in the case



of temporary employees appointed on regular basis for those temporary employees who are given temporary status and who complete three years of service in that status while granting them pension and retirement benefits after their regularization;

(4) Central Government Employees' Insurance Scheme;

(5) General Provident Fund;

(6) Medical Aid;

(7) Leave Travel Concession;

(8) All advances admissible to temporary Group 'D' employees;

(9) Bonus.

3. Further action may be taken accordingly and proper service record of such employees may also be maintained.

[G.1. Dept. of Posts, Lr No.66-9-91-SPB, I, dated the 30th November, 1992]"

7. For more than 24 years of service, the husband of the applicant/respondent herein was not regularized, as per the provisions of the letter dated 30.11.1992. As such, the regularization of the respondent was not done on the fault of the Department, and even then the respondent would be entitled to the benefits at par with a regular employee. Therefore, as per the policy dated 30.11.1992, the respondent would be entitled to pension and other retiral benefits.

8. In light of the aforesaid judgment, the appellants could not make out this case for interference of this



Court and the order passed by the learned Tribunal does not suffer from any illegality or perversity.

9. We have perused the records as well as orders as mentioned aforesaid, which transpires that the respondent herein is also entitled for the same relief as granted by the Co-ordinate Bench of this Court as well as by this Bench (supra).

10. In view of the aforesaid, there is no merit in the writ petition and the same stands dismissed.

11. The impugned order of the Central Administrative Tribunal dated 27.09.2024 is affirmed.

12. However, respondent is directed to take necessary steps for payment of monetary benefits in light of the aforesaid orders.

13. Interlocutory application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.09.2025
Transmission Date	NA

