

Gita Devi Vs. State and ors.

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Court : Patna

Decided On : Dec-07-2001

Judge : P.K. Deb, J.

Appeal No. : C.W.J.C. No. 14077 of 2001

Appellant : Gita Devi

Respondent : State and ors.

Judgement :

P.K. Deb, J.

1. The petitioner's husband dies in harness while in service and as such, the petitioner was entitled to get family pension but regarding fixation of family pension, it appears that Annexure-1 has been written by the A.G. to the effect that during the service period of the husband of the petitioner, he had been given bime-bound promotion without passing the accounts examination. Regarding the position being taken by the State Government towards passing and non-passing of the accounts examination dependent on the time, bound promotion much water has been flown by the time. Ultimately, the Full Bench has held that as the executive order of the State Government has got validity to supplement the Rule but still laxity has been given to the period for which the Executive Order was not in force and in those period if any promotion is given the same is valid in the eye of law. There is some confusion in the present case from the letter Annexure-1 as is

revealed. It appears that the husband of the petitioner has passed the accounts examination and then, he was given time-bound promotion but the same had not been noted in the service book of the petitioner. In that view of the matter on the basis of the letter written by the A.G. as contained in Annexure-1, the respondent No. 1 should consult the record and pass necessary order in this matter and Communicate to the A.G. Bihar within a period of six weeks from the date of the presentation of a copy of this order from the side of the petitioner. If it is found that actually, the husband of the petitioner had passed the accounts examination and he was given time-bound promotion accordingly, then the same should be noted in the service book and informed to the A.G. for fixation of family pension and it should also be the bounden duty of the respondent No. 1 to see whether time-bound promotion given was legal or not on the basis of the Government circular and the Full Bench decision of this Court in this regard.

2. The writ petition is disposed of accordingly.

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