
(1999) 10 PAT CK 0091
In the Patna High Court
Case No : C.W.J.C. No. 11391 of 1996

Lalita Devi

APPELLANT

Vs

Bihar State Electricity Board and Others

RESPONDENT

Date of Decision : 01-10-1999

Acts Referred:

Citation : (2000) 1 BLJR 81

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Judgement

S.J. Mukhopadhaya, J.—The husband of the petitioner, late Sidheshwar Prasad Sinha was in the service of the Respondents Bihar State Electricity Board (Board for short). While in service and posted at Patratu Thermal Power Station, Patratu at Hazaribagh, he died on 30th June 75. After his death, though the Board provided certain death benefits to the petitioner (widow), the rest benefits including arrears having not paid, the present writ petition was preferred in the year 1996.

2. During the pendency of the writ petition, the petitioner has been provided with amounts towards arrears of salary; gratuity; contributory provident fund. Earlier, the Group Insurance amount was also paid to her.

3. According to the petitioner, she was also entitled for family pension; accidental benefit and certain payment towards over-time.

The Respondents have taken plea that the family pension scheme was not applicable to the deceased husband of the petitioner, nor the the petitioner is entitled for any accidents claim, death having not taken place while on duty,

4. Admittedly, the provision of family pension was inserted in the Bihar Pension Rules, 1950 prior to the death of the deceased employee in 1956. However, from the Office Order No. 4009 dated 22nd August '90 issued by the Board, it appears that the said Bihar Pension Rules was not applicable in respect of workmen of the

Board till Resolution No. 393 dated 8th December '87 was issued by the Board. The Board, vide its Resolution No. 5031 dated 6th September, 1966 allowed pensionary benefits to its officers/staff in terms with Bihar Pension Rules, 1950, but it was to made applicable to the workmen guided by the Industrial Tribunal Award and for them the Bihar Pension Rules was made applicable vide Resolution No. 393 dated 8th December '87.

5. Admittedly, the husband of the petitioner was a workman under the Board and died on 30th June '75 i.e. much prior to Resolution No. 393 dated 8th December '87, when the Bihar Pension Rules, 1950 was made applicable to its workmen. This apart, it will be evident that the husband of the petitioner being entitled for contributory provident fund, such amount has been paid to the petitioner during the pendency of the writ petition.

6. In the aforesaid circumstances, I find no illegality on the part of the Respondents for non-releasing any family pension in favour of petitioner

7. So far as the question as to whether the husband of the petitioner died, while in duty or not, it is a question of fact. According to the petitioner, 15 (fifteen) minutes prior to the death of her husband, he left the quarter to attend the duty at Patratu Thermal Power Station. On the other hand, according to the Board, the death took place at the residence of the petitioner,

8. The Counsel for the petitioner submitted that the residence of the husband of the petitioner being within the campus of Patratu Thermal Station, she was entitled for such benefit. However, such submission cannot be accepted till it is shown that the death took place during the course of duty.

9. In the aforesaid circumstances, no further order is required to be passed in the present case.

10. The writ petition stands disposed of. There shall, however, be no order, as to costs.