

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3247 of 2022

CNR No. BRHC010136142022

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Nirmala Devi Wife of late Madan Mohan Prasad Resident of- Flat No. 604,
Tara Towers Apartment, North Shastri Nagar, Post Office- Shastri Nagar,
Town and District- Patna, Pin Code- 800023.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cabinet Secretariat, Civil Aviation Department, The Government of Bihar, Bihar, Patna.
2. The Additional Secretary, Cabinet Secretariat, Civil Aviation Department, the Government of Bihar, Bihar, Patna.
3. The Joint Secretary, Cabinet Secretariat Department, (Civil Aviation) the Government of Bihar, Bihar, Patna.
4. The Director (Operation) Civil Aviation Department, Government of Bihar, Bihar, Patna.
5. The Section Officer, Civil Aviation Directorate (Cabinet Secretariat Department), Bihar, Bihar Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Brajesh Verma, Advocate Ms. Raveena Nidhi Karn, Advocate
For the Respondent/s	:	Mr. Zeyaul Hoda, GA-20 Mr. Abu Nasar, AC to GA-20

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-10-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for issuance
of a writ in nature of certiorari/mandamus or any others(s)
appropriate writ/writs, order/orders, direction/directions
commanding the respondent authorities and pleased to :



“(i) To quash the annexure-8 passed on 06.11.2020 by the 2nd Appellate Authority-cum- Principal Secretary, Cabinet Secretariat, Department.

(ii) Further pleased to directed the respondent authorities to pay the salary/remuneration since 21.03.2011 to 30.04.2011 for extend period beyond contract of period to the petitioner alongwith interest @ 12% per month till date of the actual realization of the amount in question.

(iii) To grant any other relief or reliefs may be granted which is just proper and equitable in the eye of law as well as in the interest of justice.”

3. Learned counsel for the petitioner submits that the petitioner is a widow whose husband retired from the post of Chief Aircraft Engineer, Civil Aviation Department, Government of Bihar, Patna, on 31.12.1998. Counsel further submits that the petitioner's husband was reappointed to the vacant post of Chief Aircraft Engineer on a contractual basis for a period of five years from the date of joining. The appointment letter granted to the petitioner's husband is annexed as Annexure-2.

4. Counsel further submits that in the year 2008, the



terms of his contract were changed, which is annexed as Annexure-3. It has been submitted that the husband of the petitioner worked in the Civil Aviation Department till 30.04.2011, i.e., for more than one month and ten days beyond his contract period, as he was assigned very emergent duties, namely, special inspection of State Aircraft C-90 A/B, Aircraft VT-EBG, at Mumbai during the maintenance and repair of the State Aircraft.

5. Counsel further submits that payment for the period of one month and ten days has not been made, for which the petitioner filed a representation, which was initially heard by the Lok Shikayat Nivaran Padadhikari, Mantrimandal Sachivalay Vibhag (Public Grievance Redressal Officer, Cabinet Secretariat Department), vide order dated 10.05.2019. However, payment was not made to him. Thereafter, he preferred a first appeal and subsequently a second appeal, in which, vide order dated 22.08.2019 and order dated 06.11.2020, the Joint Secretary-cum-1st Appellate Authority as well as the Principal Secretary-cum-2nd Appellate Authority, respectively, took the decision that after the expiry of the contract period, the husband of the petitioner had worked for one month and ten days without any office order, and therefore, payment could not be made.



6. Learned counsel for the State submits that since the petitioner's husband had worked for the said period without permission from the Department, he was not entitled to payment.

7. Upon perusal of Annexure-9, particularly the proposal in the file, it transpires that work was taken from the petitioner's husband by the Department even after the expiry of the contract period, and in this regard, the work done by the husband of the petitioner was within the knowledge of the authorities. In the emergent situation, the husband of the petitioner worked for the Civil Aviation Department, by which the Civil Aviation Department was benefited. However, only on the ground that prior approval had not been granted, the claim of the petitioner's husband was rejected, and after the death of the petitioner's husband, the widow has been compelled to file the present writ petition.

8. From the orders passed by the authorities, including the 1st Appellate Authority and the 2nd Appellate Authority, it transpires to this Court that none of the orders indicates that the petitioner's husband had not worked during the said period. Therefore, this Court is of the view that he had worked for one month and ten days and, hence, was entitled to remuneration for



the said period, and after his death, his wife (petitioner) is entitled to the same.

9. As such, it is hereby directed that the Principal Secretary, Cabinet Secretariat, Civil Aviation Department, Government of Bihar, Patna, shall ensure payment to the petitioner for one month and ten days within a period of 60 days from the date of production/receipt of a copy of this order.

10. Accordingly, the present writ petition stands allowed.

(Dr. Anshuman, J.)

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