

IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 246 of 2018

The State of Jharkhand and others Appellants

Versus

1. Smt. Meena Devi

2. The Accountant General, Jharkhand Respondents

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**

For the Appellants: Mr. Manoj Kumar, GA-III

For Respondent No.1: None

For Respondent No.2: Mr. Amit Kumar Verma, Advocate

Oral Order

09/Dated: 09.07.2020

With consent of the parties, hearing of this matter has been done through video conferencing. They have no complaint about any audio and video quality.

After filing of supplementary affidavit dated 01.07.2020 nothing remains to be decided in this appeal on merit, as the same has now become infructuous because the State has already stated that the writ petitioner is getting pension and other retiral benefits. However, surprisingly, though the case is directly covered by the decision of the Hon'ble Supreme Court rendered in **State of Jharkhand & Others v. Jitendra Kumar Srivastava & another** reported in **(2013) 12 SCC 210**, still stand has been taken by the State in this supplementary affidavit that the payment to the writ petitioner should be subject to the outcome of the Letters Patent Appeal.

In our view, as per the decision of the Hon'ble Supreme Court, the payment should have been unconditional. Now a stand is being taken by Mr. Manoj Kumar, learned GA-III appearing on behalf of the appellants, that the State would not press this appeal on merit in view of the aforesaid decision rendered by the Hon'ble Supreme Court, but he would press the Letters Patent Appeal only for waiving the cost of Rs.Two Lacs which has been imposed upon the appellants.

Now, we find from the office report that the notice has validly been served as the son of the writ petitioner has accepted the service of notice on behalf of his mother, i.e., the writ petitioner, however, we are not satisfied with such service of notice, as admittedly, the son has been provided employment by the State on compassionate ground and now he is an employee of the appellants. Thus, in our view, there should be a fresh service of notice upon the writ petitioner so as to enable her to file a reply on the point of imposition of cost of Rs.two Lacs.

Accordingly, two weeks' time is allowed to the appellants-State for filing requisites, etc both under registered cover with A/D as also by ordinary process for the purpose of issuance of fresh service of notice upon the respondent.

Put up immediately either after service of notice upon the respondent no.1 or on her appearance, whichever is earlier.

(Dr. Ravi Ranjan, C.J.)

(Sujit Narayan Prasad, J.)