

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A No. 168 of 2025

- 1. The State of Jharkhand
- 2. The Principal Secretary, School, Education and Literacy Department, Government of Jharkhand, Ranchi
- 3. The Director, (Secondary Education) School Education and Literacy Department, Government of Jharkhand, Ranchi.
- 4. The District Education Officer, Dhanbad
- 5. The Treasury Officer, Chapra, P.O. P.S. Chapra, District-Chapra Saran

... .. Appellants

Versus

- 1. Kalawati Devi, W/o Late Om Prakash Singh, R/o Village Bari Musehari, P.O. Bari Musehari P.S.-Chapra Mufassil, District-Chapra, Saran (Bihar)
- 2. The In-charge Principal, Government High School Bhora, P.O.-Bhora, P.S.-Dhanbad, District-Dhanbad.
- 3. The Accountant General (A & E), Jharkhand, P.O. P.S.-Doranda, District-Ranchi
- 4. The Account General (A & E), Bihar, R-Block, Birchand Patel Path, P.O.& P.S.-Patna and District-Patna(Bihar)

... .. Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellants	: Mr. Ajit Kumar, A.C. to G.A.-V
For the Respondent No. 3	: Mr. Rupesh Singh, Advocate
	Mr. Harshit Sahay, Advocate

Order No. 02 **Dated: 18.03.2026**

I.A. No. 1708 of 2025

- 1. Heard Mr. Ajit Kumar, learned A.C. to G.A.-V appearing on behalf of the appellants, and Mr. Rupesh Singh, learned counsel for the respondent no. 3.
- 2. This I.A. seeks condonation of delay of 169 days in instituting this appeal. We have perused the averments in the I.A and in our opinion, such averments constitute sufficient cause.
- 3. Therefore, we condone the delay and dispose of this I.A.

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4. With the consent of learned counsel for the appellants and the respondent no. 3, after condoning the delay, we have taken up this appeal for consideration.
5. This appeal is directed against the learned Single Judge's order dated 23.07.2024 by which this Court directed that the period between 08.08.1989 to 09.03.1999 should be counted for determining the retiral benefits like pension etc. to the writ petitioner's deceased husband Late Om Prakash Singh.
6. The records bear out that Late Om Prakash Singh was appointed as a clerk on 04.08.1989 in a government school. However, his services were terminated on 23.07.1992. Such termination was set aside by this Court after allowing Late Om Prakash Singh's C.W.J.C. No.639 of 1996 (R) vide judgment and order dated 10.10.1996. This order was affirmed by the Division Bench dismissing the State's L.P.A. No. 211 of 1998 (R).
7. Pursuant to the above orders, the petitioner's husband Late Om Prakash Singh was reinstated on 09.03.1999. Upon his retirement however, the period between 08.08.1989 and 09.03.1999 was not counted for determining the retiral benefits like pension etc. to Late Om Prakash Singh.
8. Sri Om Prakash Singh expired and his widow Kalawati Devi instituted W.P.(S) No. 94 of 2021 in which the learned Single Judge has made the impugned order.
9. In our judgment, there is no illegality in the impugned order. Once the termination order dated 23.07.1992 was set aside and the

petitioner's husband Late Om Prakash Singh was reinstated, the period between the termination and the reinstatement could not have been excluded for determining the retiral benefits like pension etc. on the spacious plea that the Court had declined to award any back wages for the said period. Such a denial would be unfair, particularly after this Court concluded that the termination was illegal and quashed such termination.

- 10.** Apart from the impugned order not being illegal, we think that the same promotes substantial justice. Late Om Prakash Singh has already expired without seeing the fruits of the litigation in which he succeeded. His widow, cannot be denied the limited reliefs as granted by the learned Single Judge.
- 11.** Accordingly, we see no merit in this appeal and dismiss the same.
No Costs.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

March 18, 2026
Ritesh/Pawan
Uploaded on 19.03.2026