

ITEM NO.25

COURT NO.5

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 40400/2024

(Arising out of impugned final judgment and order dated 13-03-2024 in CWJC No. 13947/2023 passed by the High Court Of Judicature At Patna)

PURNIMA PRASAD

Petitioner(s)

VERSUS

THE STATE OF BIHAR & ORS.

Respondent(s)

(IA No.230920/2024-CONDONATION OF DELAY IN FILING)

Date : 15-10-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
 HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s)

Mr. Kripa Shankar Prasad, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
 O R D E R

Delay condoned.

2. Heard Mr. Kripa Shankar Prasad, learned counsel appearing for the petitioner.

3. The counsel points out that the petitioner is the widow of one Binod Mohan Prasad and her claim for pension/family pension on account of her husband's service, rendered as a Judicial Officer, was turned down by the High Court, under the impugned judgment. It is pointed out that the Binod Mohan

Prasad joined judicial service on 16.05.1991 and after about 8 years, he was superannuated on 01.02.1999. Then he was re-engaged as a Presiding Officer of the Fast Track Court and he served in that capacity for two years from 15.09.2001 to 14.03.2003. Eventually, Binod Mohan Prasad passed away on 16.10.2022 without the benefit of pension despite over 10 years total service as Judicial Officer.

4. The High Court in the impugned judgment opined that the service rendered as a Judge of the Fast Track Court should not be counted for making the incumbent eligible for pension as a regular Judicial Officer as he had rendered service for less than 10 years.

5. To assail the High Court's decision, the counsel relies on the ratio in *Mahesh Chandra Verma vs. State of Jharkhand through Chief Secretary and Others* reported in (2018) 7 SCC 270, where this Court, in respect of service rendered by a person as Fast Track Court's Judge, opined as follows:-

"We are, thus, unhesitatingly and unequivocally of the view that all the appellants and Judicial Officers identically situated are entitled to the benefit of the period of service as Fast Track Court Judges to be counted for their length of service in determination of their pension and retiral benefits."

6. Issue notice, returnable in four weeks.

(DEEPAK JOSHI)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR