

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6149 of 2008

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Bisheshwar Singh, son of late Gopali Singh, resident of village Kadilpur,
P.O. Narayanpur, P.S. Telhara, District Nalanda

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, having his office in Old Secretariat, P.S. Sachivalaya, District Patna
2. The District Magistrate, Nalanda
3. The Circle Officer, Harnaut, District Nalanda
4. The Treasury Officer, Nalanda Collectorate Compound, Bihar Sharif, P.S. Bihar Sharif, District Nalanda
5. The Accountant General (Accounts and Entitlement) IT Bihar, Patna, Birchand Patel Path, P.S. Kotwali, District Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rupak Kumar

For the Respondent/s : Mr. (Gp21)

Mr. J.P.Karn

Mr. Binod Kumar Labh

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

5 29-07-2015

Heard learned counsel for the parties.

Having regard to the fact that the petitioner's prayer in this writ application reading as follows:

“ That this writ application is being filed for issuance of writ in the nature of mandamus directing the respondents to accept the nomination of second wife of the petitioner as nominee in pension book for her entitlement to family pension by changing the name of his son.”

and that the respondents by filing supplementary counter affidavit in paragraphs no. 7 and 8 have taken the following stand:

“7. That so far the guidelines and notifications of the Govt. is concerned memo no. 9961, dt. 3.9.1996 issued by the department of Finance, Govt. of Bihar has to be taken into

consideration, in which the wife whose marriage took place with Govt. employee after his superannuation was also included in family pension scheme, 1964 and she was allowed to avail the benefit of family pension after death of her pensioner husband. It is relevant to mention here that in the present case facts in issue are identical as the writ petitioner intends to insert the name of his second wife Dolly Kumari in his pension book, whose marriage was solemnized after his retirement.

8. That it is pertinent to mention here that petition dated 18.7.2007 filed by the writ petitioner has already been sent to the office of the Accountant General, Bihar for taking necessary action who is the competent authority for disposal of the matter relating to the pension as provided in Bihar Pension Rules.”

this writ application now has become academic for all purposes, especially when the office of the Accountant General being a party to the writ application has not opposed the same.

In that view of the matter, this Court would direct the office of the Accountant General to do the needful in the light of the correction already made by the respondents as noted in paragraphs no. 7 and 8 of the counter affidavit.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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