

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1960 of 2008

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Shail Devi wife of Late Dilip Kumar Pathak, resident of village-Jeeradai
Suruwal, PS-Jeeradai, District-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pratyay Amrit, the Secretary, Department of Road Construction, Govt. of Bihar.
3. Ram Dhyani Ram, the Engineer in Chief cum Additional Commissioner-cum-Special Secretary, Department of Road Construction, Govt. of Bihar.
4. I.S.D. Dhaniwal, the Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tuhin Shankar
Mr. A.D.Krishna

For the Respondent/s : Mr. SC 11

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 08-07-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has moved before this Court in CWJC
No. 7409 of 2000 and this Court, vide order dated 25th January
2008 allowed pensionary benefit with all consequential benefits.
Paragraph 6 of the said order is relevant which is as follows:

“In the given facts and circumstances, the
orders which were passed by the respondent
authorities but not served upon the petitioner is
quashed. The respondents are directed to decide and
fix the pension of the petitioner’s late husband.
Allow him the pensionary benefit with all

consequential benefits, family pension of the petitioner should also be fixed, arrears of pension to the late husband of the petitioner and arrears as well as current family pension should be paid to the petitioner. All decisions must be taken within three months from the date of communication/production of this order.”

The aforesaid order was challenged in LPA No. 1030 of 2009 and as per the counsel for the petitioner, the Division Bench has also affirmed the order of the Single Bench. At the same time, the petitioner submits that the opposite parties have already complied the order of the Single Bench, except certain anomalies.

In such view of the matter, when the State has already complied the order and accepted by the petitioner, there is no need to pursue this matter. If the petitioner feels that there are some anomalies while implementing the order, he will have liberty to take proper steps in accordance with law.

(Shivaji Pandey, J)

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