

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12436 of 2014

Along with
Interlocutory Application No. 6254 of 2015

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1. (a) Pusplata Saran, Wife of Late Dayal Sharan Prasad.
(b) Sanjay Saran, Son of Late Dayal Sharan Prasad. Both are residents of Village-Srivastava Nagar, Khurmabad, P.O.+P.S.+District- Siwan.
(c) Sima Saran, daughter of Late Dayal Sharan Prasad, Wife of Aman Srivastava, Resident of Village- Khurmabad, Srivastava Nagar, P.O. + P.S. Siwan, District- Siwan, Bihar.
(d) Asmita Saran, daughter of Late Dayal Sharan Prasad, Wife of Sanjay Kumar Srivastava, resident of Village N.C.-109 S.B.I. Officer Colony, Behind Gayatri Mandir, Patna.
(e) Amita Saran, daughter of Late Dayal Sharan Prasad, Wife of Ranjay Kumar Srivastava, resident of D-56, New Ashok Nagar, Delhi-110096.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Health, Govt. of Bihar, Patna.
2. The Secretary, Department of Health, Govt. of Bihar, Patna.
3. The Civil Surgeon-cum-Incharge, Medical Officer, Sadar Hospital, Siwan.
4. The Accountant General (A & E), Bihar, Patna.
5. The Treasury Officer, Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-02-2016

Heard learned counsel for the parties.

Re: Interlocutory Application No. 6254 of 2015

Learned counsel for the petitioner is permitted to make necessary correction in paragraph no. 1 of the Interlocutory Application. Let the same be done during the course of the day.

The present Interlocutory Application has been filed for substitution of the sole petitioner, who has died during the pendency of the writ petition.

Learned counsel for the petitioner submits that

soon after filing of the writ petition, the petitioner passed away on 20.07.2014 leaving behind his wife, son and three daughters, details of whom has been mentioned in paragraph no. 1 of the Interlocutory Application.

Learned counsel for the respondents do not oppose.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the sole petitioner be substituted by persons named in paragraph no. 1 of the Interlocutory Application. Let necessary correction be made by learned counsel for the petitioner during the course of the day.

Interlocutory Application No. 6254 of 2015 stands disposed off.

Re: Civil Writ Jurisdiction Case No. 12436 of 2014

It is accepted at the Bar that necessary sanction order for payment of all admitted dues have already been accorded.

Learned counsel for the State submits that if actual payment has not started, the same shall be done after completion of formalities including physical verification.

In view of the aforesaid, learned counsel for the petitioner submits that the substituted petitioner no. 1 i.e., wife of the original writ petitioner shall appear before the respondent no. 5 within two weeks from today along with a copy of this order. If the same is done, the respondent no. 5 shall ensure that the formalities are completed and payments started to the heirs of the petitioner in accordance with law within two weeks thereafter.

If there is any technical requirement of the respondent no. 4 having to issue fresh authorization, respondent no. 5 shall make a request within one week from the date of production of a copy of this order before him to the respondent no. 4 who shall ensure that the fresh authorization/revalidation of the previous authorization is issued in favour of the petitioner(s) within ten days thereafter. Upon the same being issued, the respondent no. 5 shall ensure that actual payment is made to the petitioner(s) of their admitted dues within the next two weeks. In case, if anything further remains unpaid to the petitioner, they shall at liberty to file an appropriate representation giving details of such dues before respondent no. 3, who shall consider the same and pass reasoned order within the next three weeks and if any payment is to be made pursuant to such decision by respondent no. 3, it shall be ensured by the respondents concerned that the same is also paid to the petitioner(s) within the next four weeks.

The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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