

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13399 of 2016

Along with
Interlocutory Application No. 5658 of 2017

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1. Nirmala Kumari, Wife of Late Surendra Prasad Sah.
 2. Mithilesh Kumar Nirmal, Son of Late Surendra Prasad Sah.
 3. Ratnesh Kumar Ratna, Son of Late Surendra Prasad Sah.
 4. Arunesh Kumar Arun, Son of Late Surendra Prasad Sah.

All Residents of Mohalla- Adalbari, P.O. and P.S. Hajipur, District- Vaishali.

.... Petitioner/s

Versus

1. Uttar Bihar Gramin Bank, Head Office, Muzaffarpur through its Chairman.
2. The Chairman, Uttar Bihar Gramin Bank, Head Office, Muzaffarpur.
3. Regional Manager, Uttar Bihar Gramin Bank, Regional Office, Muzaffarpur, East.
4. Branch Manager, Uttar Bihar Gramin Bank, Branch Katra District- Muzaffarpur.
5. General Manager, Uttar Bihar Gramin Bank, Head Office, Kalambag Chowk, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate

For the Respondent/s : Mr. Prabhakar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 19-08-2017

Re.: Interlocutory Application No. 5658 of 2017

2. Heard learned counsel for the petitioners and Mr. Prabhakar Jha, learned counsel for the respondents.

3. The Interlocutory Application has been filed seeking substitution of the sole petitioner, who died on 01.07.2017.

4. Learned counsel for the petitioners submitted that the sole petitioner having died, he may be substituted by his heirs who are his wife and three sons.

5. Learned counsel for the respondents does not object.



6. In view thereof, the Interlocutory Application No. 5658 of 2017 stands allowed. Let the original petitioners be substituted by his heirs, details of whom are mentioned in paragraph no. 1 of the Interlocutory Application. Learned counsel for the petitioners shall make necessary correction in the cause title of the writ petition. Let the same be done during the course of the day.

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7. The petitioners have moved the Court for the following reliefs:

“(i) For issuance of writ of Mandamus commanding the respondent authority to pay the retiral benefits of the petitioner with a interest as follows:

(A) Leave encashment

(B) Gratuity Rs. 1,00,000/-

(C) Difference of salary from November, 2012 to 31st January, 2015 after come into force of fitment report.

(ii) For issuance of such other writ or order or direction which may deem fit and proper for the ends of justice.”

8. Learned counsel for the respondents submitted that the claim is based on facts and thus the petitioners be asked to file a representation before the respondent no. 5, giving details of their claim with supporting material which would be verified from the official records and reasoned order shall be passed thereupon.

9. Learned counsel for the petitioners agrees to the said



proposition.

10. In view thereof, the writ petition stands disposed off with liberty to the petitioners to file a detailed representation with regard to their grievance, annexing all relevant materials/documents before the respondent no. 5, within six weeks from today. Upon the same being done, the respondent no. 5 shall consider the matter with reference to the records and pass a reasoned order, within four months thereafter. If any payment is required to be made to the petitioners, the same shall be made within the next four weeks.

(Ahsanuddin Amanullah, J.)

P. Kumar

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