

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22475 of 2014

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Smt. Kiran Bala Sharma Wife of-Shambhu Prasad Singh, resident of Village-Bania,
P.S.-Saraiya, District-Muzaffarpur, Retired from the post of Headmistress (Awar
Shiksha Seva) while working in Rajkiya Buniyadi Vidyalaya Dokra, Block-Saraiya,
Distt.-Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Human Resources
Department, Government of Bihar, Patna.
2. The Director (Primary Education), Government of Bihar, Patna.
3. The Regional Deputy Director Education, Trihut Division, Muzaffarpur.
4. The District Education Officer, Muzaffarpur.
5. The District Programme Officer (Establishment), Office of the District
Education Officer, Muzaffarpur.
6. The Accountant General, Bihar, Patna.
7. The Senior Accounts Officer, Office of the Accountant General, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate

For the Respondent/s : Mr. Ashok Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 02-11-2017

I. A. No. 4716 of 2017

In the present interlocutory application, the prayer has
been made to recall the order dated 25.05.2017 passed by this Court
whereby the Accountant General, Bihar was directed to pay cost of
Rs.5000/- to the petitioner as no counter-affidavit was filed on his



behalf in the matter though the writ petition was filed on 24.12.2014 after serving copy upon the counsel for the Accountant General, Bihar, Patna.

2. It has been pleaded on behalf of the Accountant General that the brief was allotted to Mr. Satish Chandra Jha, a panel lawyer appearing for the office of the Accountant General and the statements of facts for filing counter-affidavit was also handed over to him, but, unfortunately, he died as a result of which counter-affidavit could not be filed in time and cost of Rs.5000/- was imposed against the Accountant General, Bihar, Patna. It has been submitted that there was neither deliberate nor willful default on the part of the Accountant General and by now, the grievance of the petitioner has also been redressed.

3. Learned counsel for the petitioner does not dispute the contentions made on behalf of the Accountant General, Bihar, Patna.

4. In view of the submissions made above, the order dated 25.05.2017 imposing cost of Rs.5000/- against the Accountant General, Bihar is recalled.

5. Interlocutory application is allowed.

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6. The only grievance of the petitioner in the present writ petition is that her pension pursuant to retirement with effect from



01.09.2013 has not been enhanced.

7. It has been admitted by the learned counsel for the petitioner that during the pendency of the writ petition, pension and gratuity of the petitioner has been revised vide Authority No. 05/pen280817056829/201311054055p1 dated 29.08.2017 by the Accountant General, Bihar, Patna.

8. In that view of the matter, since the grievance of the petitioner has already been redressed, the writ petition is disposed of.

9. It is expected that pursuant to the authorization of the enhanced pension, the concerned Branch Manager of the State Bank of India, Bhagwanpur, Muzaffarpur shall complete the necessary formalities and pay the enhanced pension to the petitioner without any delay.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.11.2017
Transmission Date	NA

