

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3108 of 2016

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1. Tejani Devi Wife of late Nawal Kishor Ram
2. Rajesh Kumar Son of late Nawal Kishor Ram
3. Ajay Kumar Son of late Nawal Kishor Ram
4. Rahul Kumar Son of late Nawal Kishor Ram
5. Mamta Kumari D/o late Nawal Kishor Ram
6. Guria Kumari D/o late Nawal Kishor Ram All resident of Village- Tapa, Post Office- Fatehpur, Police Station- Tekari, District- Gaya , at present residing at Village/Mohalla- Barki Delhi, Dularganj, Police Station- Delha, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Registrar General (Administration) Hon'ble High Court, Patna.
3. District and Sessions Judge, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratnesh Kumar Singh, Adv.
For Respondent Nos. 2 & 3 : Mr. Satyabir Bharti, Adv.
For the State : Mr. Ranvijay Singh, A.C. to SC-23
For the Accountant General : Mr. Kumar Priya Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-06-2017

The instant writ application has been filed for issuance of a direction to the respondents to pay the entire retiral dues with interest from the date of superannuation of the petitioner i.e. 31st March, 2015. Further, the petitioner has prayed for a direction to the respondents to start his pension from the date of retirement from service. A further prayer has been made to quash the order dated 22nd February, 2016 issued under the signature of the District & Sessions Judge, Gaya by which the District & Sessions Judge, Gaya had initiated departmental proceeding against the petitioner and to



hold and declare that non-payment of pension and other retiral benefits caused serious prejudice to the petitioner in defending the departmental proceeding initiated against him.

2. During pendency of the writ application, the original petitioner Nawal Kishore Ram died on 18th January, 2017. By order dated 24th April, 2017, his wife Tejani Devi and other legal heirs were substituted and the name of the original petitioner was expunged.

3. It is submitted by Mr. Satyabir Bharti, learned counsel appearing for the Patna High Court that after the death of the original petitioner the disciplinary proceeding initiated against him got abated. Thereafter, the arrear of pension, family pension and death-cum-retirement gratuity have already been sanctioned by the District & Sessions Judge, Gaya and communication in this regard has been made to the Accountant General, Bihar, Patna.

4. Mr. Kumar Priya Ranjan, learned counsel appearing for the Accountant General, Bihar, Patna submitted that after receipt of the sanction orders for payment of arrear of pension as well as family pension and death-cum-retirement gratuity, the same has already been authorized by the Accountant General vide order dated 6th June, 2017 and communication in this regard has already been made to the Treasury Officer, Gaya as also to the petitioner.



5. Mr. Ranvijay Singh, learned A.C. to Standing Counsel No.23 submitted that he would ensure that no delay is caused in payment of the authorized amount to the petitioner by the Treasury Officer, Gaya.

6. Considering the stand of the parties, the writ application is disposed of with a direction to the Treasury Officer, Gaya to ensure payment of the sanctioned and authorized amount of death-cum-retiral dues to the petitioners as soon as possible but not later than two months from today. The District & Sessions Judge, Gaya shall also ensure that if any other payment is found due to the petitioners, the same shall also be promptly paid to them.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	22.06.2017
Transmission Date	

