

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8624 of 2016

Along with
Interlocutory Application No. 5592 of 2018

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Ram Autar Giri Son of Late Jaikant Giri resident of village - Sakarpura, P.S.
Pandaul, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through its Secretary Home Department, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Central Zone, Patna
4. The Deputy Inspector General of Police, Central Zone, Patna, Dehari On - Sone, District Rohtas
5. The Superintendent of Police, Bhojpur, Ara
6. The Accountant General(A & E), Bihar, Patna.
7. The Treasury Officer, Madhubani , Distt.- Madhubani.

... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Advocate
For the State	:	Mr. Sita Ram Yadav, GP 16
For the A.G. Bihar	:	Mr. Satyendra Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 25-07-2018

Heard learned counsel for the petitioner; State and
Accountant General.

2. The petitioner had moved the Court for the following
reliefs:

“For issuance of appropriate writ/ writs, order /order, direction / directions for directing the respondents to pay the monthly pension as well as to release all the retirement benefit as provided to a Government employee.

ii. For issuance of appropriate writ/ writs, order / order, direction/ directions in the nature of



mandamus for commanding the respondents to pay the entire dues of salary which have not been paid to the petitioner for the period of February 2005 to 25.2.2010.

iii. For issuance of appropriate writ / writs, order / order, direction/ direction to the respondents in the nature of mandamus that once the department started paying the provisional pension to the petitioner who retired from his service on 30.4.2013 and gave the said pension up to March 2016 then under what circumstances without issuing any notice or without any show cause the respondents withheld the provisional pension of the petitioner since April 2016 up till now.

iv. For any other relief/ reliefs to which the petitioner may be found entitled in the facts and circumstances of the case.”

3. From the pleadings, it appears that all retiral benefits have been paid to the petitioner. However, today learned counsel for the petitioner submitted that he has passed away on 19.03.2018 and thus, Interlocutory Application No. 5592 of 2018 has been filed for substitution by his widow.

4. Having considered the matter, the Court finds that as all retiral benefits have been paid to the petitioner, except for his claim in the writ petition relating to salary for the period February, 2005 to 25.02.2010, no purpose would be served by allowing the



substitution petition as the writ petition has served its purpose and needs to be disposed off.

5. The reason why the Court is not going into the aspect of salary for the period February, 2005 to 25.02.2010 are twofolds. Firstly, such relief is not a retirement benefit matter as it is an in-service dispute, as payment of salary being asked is for the period the petitioner worked and was in service. Secondly, another aspect of the matter is that the order of the Competent Authority to pay him salary only from February, 2010 was passed on 19.03.2010 and the petitioner choosing not to assail the same for six years and raising the issue only in the present writ petition, indicates that the ground for the authorities to withheld such payment was never challenged.

6. Be that as it may, the writ petition stands disposed off with liberty to the heirs of the writ petitioner to move before the appropriate forum, in accordance with law, with regard to any remaining grievances.

7. Interlocutory Application No. 5592 of 2018 would accordingly stand disposed off.

(Ahsanuddin Amanullah, J)

Anjani/-

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