IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 15526 of 2016

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Ratnesh Kumar S/o Late Raj Kumar Thakur, resident of Village - Aatardah, P.S. Muzaffarpur Sadar, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna.
2. Inspector General of Police, (Administrative) Patna, Bihar.
3. Superintendent of Police C.I.D., Bihar, Patna.
4. Accountant General, Bihar, Patna.
5. The Treasury Officer, Muzaffarpur.

.... 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: 27-07-2018

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

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

> *"That this application is being filed for issuance of appropriate writ/writs, order/orders, direction/directions upon respondents for payment of family pension to the petitioner on the basis of succession certificate issued by Sub-Judge, Ist, Muzaffarpur in Succession Case No. 12/2002 and further for a direction to respondents to pay arrears of family pension as much as all the dues lying with the respondents after the death of father of petitioner who was retired as a Police Inspector and for any other relief/reliefs for which petitioner may found fit and proper to the facts and circumstances of the case."*

3. In the course of proceedings, it transpired that the petitioner also has a younger sister, who, till date, is unmarried. In such view of the matter, the authority issued by the Accountant General appeared to be erroneous, as it with regard to the petitioner only without indicating and incorporating the entitlement of the sister of the petitioner to family pension, consequent upon the petitioner loosing the right to such payment. In the second supplementary counter affidavit filed on behalf of the respondent no. 3, and supplementary counter affidavit filed on behalf of Accountant General, it transpires that on 20.07.2018, correct authority has already been issued and sent to the Treasury Officer, Muzaffarpur.

4. In view thereof, the Court finds that the writ petition has served its purpose, as the grievance of the petitioner has redressed. The same has not been disputed by learned counsel for the petitioner.

5. Accordingly, the writ petition stands disposed off with the observation that the Treasury Officer, Muzaffarpur shall ensure that due payment of family pension is made to the petitioner till the time he was entitled to the same and thereafter to his sister till 09.12.2017. The same shall be paid, if already not paid, latest within four weeks from the date of production of a copy of this order before the Treasury Officer, Muzaffarpur.

6. For the sake of convenience, let the Treasury Officer, Muzaffarpur be impleaded as respondent no. 5. Learned counsel for the petitioner shall make necessary correction in the cause title of the writ petition during the course of the day. Learned counsel for the State accepts notice on his behalf.

(Ahsanuddin Amanullah, J.)

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