

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.407 of 2013**

**Along with**

**Interlocutory Application No. 4698 of 2014**

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1. Bulkan Prasad Singh (since dead) Son Of Late Bedu Prasad Singh Resident Of  
A-96, P.C. Colony, Kankarbagh, P.S.- Kankarbagh In The Town And District-  
Patna

(i) Arjun Kumar

(ii) Ranjit Kumar

Both sons of Bulkan Prasad Singh, deceased, the sole petitioner.

(iii) Sudama Devi, widow of Bulkan Prasad Singh, deceased, the sole petitioner.

.... .... Petitioner/s

Versus

1. The State Of Bihar

2. Principal Secretary, Industries Department, Govt. Of Bihar, Patna

3. Principal Secretary, Finance Department, Govt. Of Bihar, Patna

4. Director, Industries Department, Bihar, Patna

5. Joint Director, Industries Department, Bihar, Patna

6. Accountant General, Bihar, Patna

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s :

For the Respondent/s :

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**

**ORAL JUDGMENT**

**Date: 08-05-2018**

Re.: Interlocutory Application No. 4698 of 2014

Heard learned counsel for the petitioner and State.

2. The present Interlocutory Application has been filed  
on behalf of the heirs of the sole petitioner for their substitution.

3. Learned counsel for the petitioner submitted that the



sole petitioner died on 05.05.2014 and, thus, the present applicants who are his heirs have moved the Court for their substitution.

4. Learned counsel for the respondents do not oppose.

5. In view thereof, let the sole original writ petitioner be substituted by his heirs whose details have been mentioned in paragraph no. 1 of the Interlocutory Application.

6. Interlocutory Application No. 4698 of 2014 stands disposed off.

Re.: Civil Writ Jurisdiction Case No. 407 of 2013.

7. The original writ petitioner had moved the Court for the following reliefs:

*“(a) 100% gratuity after revised scale of the petitioner together with the interest at the rate of 12% per annum there on from the date of its accrual till the date of actual payment be ordered to be paid to the petitioner.*

*(b) Pension due to the extent of 25% from 1.11.1997 to 7.5.2011 as per revised scale be ordered to be paid to the petitioner together with interest at the rate of 12% per annum there on till the date of actual payment.*

*(c) Pension (100%) due from 8.5.2011 till date as per revised scale be ordered to be paid to the petitioner with 12% interest per annum there on till the date of actual payment.*

*(d) Difference of pension already paid to the*



*extent of 75% from 1.11.1997 till 7.5.2011 be calculated and worked out as per new salary and entitlement of the petitioner be ordered to be paid with 12% interest per annum there on till the date of actual payment.*

*(e) Arrears of salary from 7.9.1996 to 31.10.1997 be ordered to be paid to the petitioner together with 12% interest per annum there on till the date of actual payment.*

*(f) Difference between the leave encashment already paid to the petitioner and the entitlement of the petitioner as per revised scale be worked out and the same be ordered to be paid to the petitioner together with 12% interest per annum till the date of actual payment.*

*(g) Any other relief or reliefs which the petitioner be found entitled to be granted to him.”*

8. The background of the case is that the writ petitioner had been dismissed from service and the challenge to the same in C.W.J.C. No. 8803 of 2005 resulted in quashing of such order of dismissal. However, the State preferred L.P.A. No. 915 of 2013 which was allowed by judgment dated 23.01.2018. Thus, the original order of dismissal now stands restored.

9. In view thereof, the reliefs claimed in the present writ application cannot be allowed as the petitioner/substituted heirs are



entitled only to such benefits/payment, as may be permissible in law, in terms of the order of the authorities against the original petitioner by which he had been dismissed.

10. Accordingly, the writ petition stands disposed off with liberty to the substituted heirs of the sole original petitioner to move before the appropriate forum for payment of the dues accruable to the original writ petitioner, in accordance with law.

**(Ahsanuddin Amanullah, J)**

Anjani/-

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