

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1113 of 2018

In
Civil Writ Jurisdiction Case No.9347 of 2015

Mathura Pandey Son of Late Ram Yash Pandey, Resident of Village- Agred
Khurd, P.S.- Suryapura, District- Rohtas.

... .. Petitioner

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar Old Secretariat, Patna
2. The District Magistrate, Rohtas, Sasaram.
3. The District Programme Officer, Rohtas, Sasaram.
4. The Treasury Officer, Sasaram.
5. The Headmaster Rajkiya Krit Middle School, Agred, Rohtas
6. The Accountant General (A & E) Bihar, Patna.
7. The Branch Manager, State Bank of India, Bikramganj, Rohtas.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr.Sanjay Kumar Ojha, Advocate
For the State	:	Mr. Ram Vinay Prasad Singh, AC to GA-XII
For the AG	:	Mr. Kumar Priya Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 07-08-2019

This application under Article 226 of the Constitution of India has been filed for restoration of CWJC No. 9347 of 2015, which stood dismissed for want of prosecution on 13.10.2017.

2. Learned counsel for the petitioner submitted that he was down with fever on 13.10.2017 and had requested his colleague to seek adjournment in the case, but he did not turn up when the case was called out as a result of which the case stood dismissed for want of prosecution. He contended that non-appearance of the counsel on 13.10.2017 was neither intentional



nor willful. In case, the application is not restored, the petitioner would suffer irreparable loss and injury.

3. Learned counsel for the State does not oppose the restoration application.

4. Having regard to the submissions made above, the restoration application is allowed.

5. CWJC No. 9347 of 2015 is restored to its original file.

Civil Writ Jurisdiction Case No.9347 of 2015

Mathura Pandey Son of Late Ram Yash Pandey, Resident of Village- Agred Khurd, P.S.- Suryapura, District- Rohtas.

... .. Petitioner

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar Old Secretariat, Patna
2. The District Magistrate, Rohtas, Sasaram.
3. The District Programme Officer, Rohtas, Sasaram.
4. The Treasury Officer, Sasaram.
5. The Headmaster Rajkiya Krit Middle School, Agred, Rohtas
6. The Accountant General (A & E) Bihar, Patna.
7. The Branch Manager, State Bank of India, Bikramganj, Rohtas.

... .. Opposite Parties

This writ petition has been filed by the petitioner for directing the respondents to pay his provisional pension, gratuity and revised pension.

2. A supplementary counter-affidavit has been filed on behalf of respondent no. 6.



3. Learned counsel appearing for Accountant General has submitted that the Treasury Officer, Rohtas, Sasaram has intimated vide letter dated 22.06.2018 that differences of revised pension and gratuity have been credited in the account of the petitioner and the State Bank of India has confirmed the payments.

4. Learned counsel for the petitioner fairly conceded that he is not in touch with his client. Hence, he has no recent instruction.

5. Be that as it may, in view of the supplementary counter-affidavit of respondent no. 6, since the grievances of the petitioner have been redressed, the writ petition is disposed of with liberty to the petitioner that in case any amount is found due, he may file representation before the respondent no. 3 within four weeks from today and, in case, such a representation is filed, respondent no. 3 shall be required to dispose of the same by a speaking and reasoned order as early as possible, preferably within four weeks from the date of such representation.

(Ashwani Kumar Singh, J)

kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.08.2019
Transmission Date	NA

