

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 15375 of 2019

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Mangal Kumar Mirgha Son of Late Chiku Mirgha @ Chikuru Mirgha
Resident of Village- Kaliganj, P.O.- Mahuar, P.S.- Manihari, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through the District Magistrate, Katihar.
2. The Sub-Divisional Magistrate, Katihar.
3. The Circle Officer, Manihari, Katihar.
4. The Treasury Officer, Katihar.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	N O N E
For the S t a t e	:	Mr Anuj Kumar, AC to GP XXIV
For Accountant General	:	Dr Anand Kumar, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 16-06-2020 The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

The matter was earlier listed on 05.08.2019. The Court had directed to file a counter affidavit. The petitioner's claim is that his father died after superannuation on 01.08.2008. His mother also died on 21.08.2015. His submission is that at the time of his mother's death, he was 16 years of age and, as



such, was entitled to family pension after death of his mother, which has not been paid. The claim is for payment of arrears of family pension from the date of death of his mother till attainment of majority by the petitioner.

The State filed a counter affidavit in November, 2019 after service of copy on the petitioner wherein Letter dated 13.08.2019 bearing No 685 (Annexure B) issued by the Circle Officer, Manihari (Katihar) was placed on record in the counter affidavit in support of stand of the State Government that the petitioner was asked to submit his application on the prescribed format in support of his claim. The stand of the respondents in the counter affidavit is that the petitioner was not present at his residence when they had gone to serve the said Communication. The Communication dated 13.08.2019 has, therefore, been affixed on a wall at his residence.

When the matter was called out yesterday, petitioner's counsel had not appeared or joined the proceedings through video conferencing. Today, when the matter is called out, thought intimation has been sent to the petitioner's counsel, he has not been able to join the instant proceedings.

In view of the Communication dated 13.08.2019, now it is for the petitioner to avail the benefits due and admissible to



him as family pension pursuant to the said order of the Circle Officer, Manihari (Katihar).

No adjudication is called for in the instant proceedings. Keeping the same pending will serve no useful purpose.

The writ petition is, therefore, disposed of.

The petitioner may approach the Circle Officer, Manihari (Katihar) along with a copy of this order.

The Circle Officer, Manihari (Katihar) (Respondent No 3) would be under the legal obligation to consider the claim of the petitioner and pay the amounts due and admissible to him within a period of eight weeks from the date of submission of his claim, along with a copy of this order.

(Madhuresh Prasad, J)

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