

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13559 of 2016

=====

Ram Ekbal Prasad Yadav, Son of Late Ram Parichhan Rai @ Ram Parichhan Prasad Yadava resident of Village- Talkhapur, Dumra, Barih Bazar, P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Govt. of Bihar, Patna.
2. The Accountant General, Bihar, Patna.
3. The Director/Deputy Director, Provident Fund Directorate, Pant Bhawan, Bihar, Patna.
4. The Collector-cum-District Magistrate, Sitamarhi.
5. The District Establishment Deputy Collector, Sitamarhi.
6. The Sub. Divisional Officer, Sitamarhi Sadar, Sitamarhi.
7. The Block Development Officer, Bokhra, District- Sitamarhi.
8. The District Treasury Officer, Sitamarhi.
9. The District Provident Fund Officer, Sitamarhi.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Jiwan Prakash Sinha, Advocate.
For the State	:	Mr. Sarvesh Kumar, GP-24.
For the A.G. Bihar	:	Dr. Anand Kumar, Advocate.
		Mr. Ramesh Gupta, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 04-09-2023

Heard Mr. Jiwan Prakash Sinha, learned counsel appearing on behalf of the petitioner; Mr. Sarvesh Kumar, learned GP-24 for the State and Dr. Anand Kumar, learned counsel assisted by Mr. Ramesh Gupta, learned counsel for the Accountant General, Bihar.



2. The petitioner has filed the present writ petition for the following reliefs:

“That this is an application for issuance of an appropriate writ/writs, order/orders in the nature of Mandamus, directing and commanding the respondents concerned to discharge the statutory obligation to compute and pay to the petitioner this entire post retiral / retiral dues whatsoever after having revised and fixed pension in the pay scale to which the petitioner may be entitled in accordance with law along with statutory interest and cost as well due to delayed payment to be made as per government circular adopted by the Government.”

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner had retired from the Office of Block Development Officer, Bokhra, Sitamarhi on 31.01.2016. After his retirement on 31.01.2016, a controversy has been raised with respect to the date of birth of the petitioner. According to the respondent, the Date of birth of the petitioner as per the entry made in the Service Book of the petitioner is 20.01.1950 whereas as per the School Leaving Certificate issued by the Government Middle School, Vishwanathpur, Dumra Sitamarhi, his date of birth is 20.01.1956. Petitioner has been denied his pension and other retiral benefits only because the petitioner's service was taken beyond the date of his retirement i.e. 31.01.2010 on which date according to the respondent, petitioner had attained the age of 60 years in accordance with the entry of date of birth made in the service book of the



petitioner. Learned counsel further submits that the petitioner has relied upon School Leaving Certificate issued by the Government Middle School, Vishwanathpur, Dumra, Sitmarhi in which the date of birth has been entered as 20.01.1956 and accordingly considering the date of birth as per the school leaving certificate, the Block Development Officer took services from the petitioner till the date of his retirement i.e. 31.01.2016 as per the School Leaving Certificate issued by the concerned school. However, learned counsel submits that he has received instruction that the petitioner has died during the pendency of the present writ petition and seeks to withdraw the present writ petition with liberty to the legal heirs / representatives of the petitioner to file a detailed representation before the concerned authority.

4. Considering the fact that the original petitioner has died, no mandamus can be issued. The writ petition is permitted to be withdrawn. The legal representatives of the petitioner, if so advised, may file their representation for claiming the retiral benefits due to the original petitioner as claimed for in the present writ petition before the competent authority.

5. With the above observation and direction, the



writ petition stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	06.09.2023
Transmission Date	N.A.

