

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1955 of 2012

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ALI AHMAD, Son of Late Matloob Rza, Resident of B.4 Alice Apartment,
New Hotel Solma, Mohalla- Miramar, Panaji, P.S. Panaji, North-Goa

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Government of Bihar, Patna
2. The Director of Agriculture, Government of Bihar, Patna
3. The Joint Director of Agriculture, Government of Bihar, Patna
4. The Director of Agriculture and Ex-Office, Joint Secretary, Government of Bihar, Patna
5. The Under Secretary Development, Government of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Khurshid Alam
For the Respondent/s : Mr. Jaishankar Barnwal, SC-1

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 04-12-2023

Heard learned counsel for the parties.

2. The original petitioner, being aggrieved by the order, as contained in Memo No. 3246 dated 01.08.2006 by which his claim for pro rata pension has been rejected, has preferred the present writ petition way back in the year 2012 itself. However, during the pendency of this writ petition on account of non-compliance of peremptory order dated 30.01.2012, the writ petition stood dismissed, which was subsequently restored to its record vide order dated 17.10.2022, passed in M.J.C. No. 4792 of 2018.

3. It is informed to this Court that during the



pendency of the present writ petition, the original petitioner was died and thus time was allowed to file a substitution petition for substituting the legal heirs of the (deceased) sole petitioner.

4. Despite sufficient opportunity provided to the learned counsel for the petitioner to ensure filing of the substitution petition, till date the same could not be done.

5. Learned counsel for the petitioner informed to this Court that as the office clerk of the Advocate on Record has also died and thus he is not in a position to inform the legal heirs of the sole petitioner. Thus, he prays for further four weeks' time to enquire about the address of the legal heirs and inform him/ them properly regarding pendency of the present writ petition.

6. Considering the submissions made on behalf of the parties and taking note of the matter in dispute, which relates to pro rata pension and also the fact that the impugned order was passed way back in the year 2006, which was assailed before this Court after six years, in 2012, and now the legal heirs are not coming forward to pursue the remedy, this Court left with no option, but to dispose of the writ petition with a liberty to the legal heirs of the sole petitioner that if they intent to pursue the remedy, they may file a fresh writ petition or the appropriate application before the concerned authorities.



7. Accordingly, the present writ petition stands disposed of.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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