

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5708 of 2017

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Sudhir Kumar Singh, son of Late Sri Krishna Singh resident of village -
Paharpur, P.O. - Lohachi, P.S. - Haveli Kharagpur, District - Munger Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. Secretary, Minor Water Resource Department, Vikas Bhawan, Patna.
3. The Commissioner-cum-Secretary, Department of Finance, Old Secretariat, Patna.
4. The Chief Engineer, Minor Water Resource Department, Bishwasaraia Bhawan, Patna.
5. The Engineer in Chief, Minor Water Resource Department, Bishwasaraia Bhawan, Patna.
6. The Superintending Engineer, Minor Irrigation Circle, Mithapur, Patna.
7. Accountant General (A and E Office), Birchand Patel Path, Patna.
8. Treasury/Sub Treasury Officer, Bikas Bhawan, Patna.
9. The Director, G.P.F. Pant Bhawan, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arjun Prasad, Advocate.
For the Accountant General	:	Ms. Nivedita Nirvikar, Sr. Advocate.
For the State	:	Mr. Pankaj Kumar Singh, AC to GA-9

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 16-03-2023 Heard Mr. Arjun Prasad, learned counsel appearing on behalf of the petitioner; Ms. Nivedita Nirvikar, learned senior counsel appearing on behalf of the Accountant General and Mr. Pankaj Kumar Singh, learned AC to GA-9 for the State.

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

1. That the petitioner prays in this writ application for issuance of an appropriate writ/writs, order/orders or direction/directions commanding the



respondent authorities

(i) to pay up-to-date statutory interest permissible under law to the petitioner over the fixed amount of pension payable per month and over the amount of death-cum-retirement gratuity since the date of issuance of the authority of the abovesaid items till the beginning of pension per month and till the payment of D.C.R.G. payment.

(ii) And to pay up-to-date statutory interest permissible under law to the petitioner over the fixed amount to G.P.G. since the date of issuance of authority till the payment made to the petitioner.

(iii) And also pay penal interest for delayed payment upto date statutory interest alongwith litigation cost.

3. Learned counsel appearing on behalf of the petitioner submitted that he has received instruction from his client that the writ petitioner is no more alive and his legal representatives are required to be substituted. He, however, submitted that the legal representative of the deceased employee has informed him that all the retiral dues of the petitioner (deceased) has already been paid. He further submitted that the respondents are under obligation to fix the family pension and release the same within a short span of time.

4. Mr. Pankaj Kumar Singh, learned AC to GA-9 appearing on behalf of the State submitted that the authorities are under legal obligation to fix the family pension after the death of the petitioner who was being regularly paid pension and substituted heir who is entitled for family pension are required to make application in requisite form.

5. Considering the fact that the grievance of the



petitioner since deceased has already been redressed within his lifetime, merely substituting the legal representatives would not serve the purpose when it has been informed by learned counsel appearing on behalf of the petitioner that the family pension of the legal heirs of the petitioner is required to be fixed.

6. The legal representative of the deceased petitioner may file a representation before the appropriate authority for fixing the family pension and releasing the same.

7. The Accountant General, Bihar- Respondent No. 7 is directed to take necessary steps to fix the family pension of the legal representative of the deceased-petitioner, who are on the record, if not already fixed within a period of six weeks in accordance with law.

8. Accordingly, the writ petition stands disposed of.

(Purnendu Singh, J)

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