

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2571 of 2022

In
Civil Writ Jurisdiction Case No.2770 of 2004

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Sunil Kumar Ram

... .. Petitioner/s

Versus

The Union of India & Ors.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijro Prasad, Advocate

For the Opposite Party/s : Mr. Binay Kumar Pandey (CGC)

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-03-2023 Heard Mr. Birju Prasad, learned counsel for the
petitioner and learned counsel for the Union of India.

Mr. Birju Prasad, learned Advocate submits that C.W.J.C. No. 2770 of 2004 was filed by Sunil Kumar Ram challenging his order of termination. It is next submitted that during pendency of the writ application, Sunil Kumar Ram died on 18.08.2004, as such, it required substitution of the legal heirs of the deceased. It is further submitted that time was granted by this Court for filing substitution petition, accordingly, I.A. No. 4097 of 2007 was filed for substitution of the legal heirs, but when the matter was taken up on 21.01.2013, the learned Single Judge after perusing the I.A. No. 4097 of 2007 recorded that the substitution petition has not been filed on behalf of the legal heirs of the deceased petitioner, but has been filed on behalf of



the sole petitioner himself seeking substitution of his heirs and legal representatives, as such, the legal heirs of the deceased had not filed any application seeking their substitution in his place.

The learned Single Judge accordingly held that I.A. No. 4097 of 2007 filed on behalf of a dead person was completely misconceived and thus was dismissed, but the learned Single Judge graciously granted one month time to the learned counsel for the petitioner for filing a substitution petition for substituting the legal heirs of Sunil Kumar Ram. Since the substitution petition in terms of the order dated 21.01.2013 was not filed within the time specified, as such the C.W.J.C. No. 2770 of 2004 was dismissed for non-compliance of the peremptory order of 21.02.2013.

The learned counsel for the petitioner submits that he was under the impression that I.A. No. 4097 of 2007 has been allowed but later he realized when the matter was not coming on the list that a direction by order dated 21.01.2013 was given to file a fresh substitution petition as I.A. No. 4097 of 2007 was held to be misconceived.

The learned counsel for the petitioner submits that he will file a fresh substitution petition substituting the legal heirs of the deceased and it was on account of bona fide inadvertence



on his part that C.W.J.C. No. 2770 of 2004 got dismissed as aforesaid.

The learned counsel for the Union of India raises no objection with regard to the submissions made by the learned counsel for the petitioner.

In view of the submissions made by the learned counsel for the petitioner, the C.W.J.C. No. 2770 of 2004 is restored to its original file and the petitioner is directed to file a substitution petition with a period of 15 days from today.

The learned counsel for the petitioner also submits that the defects as pointed out in the present restoration application shall be rectified within a period of two weeks from today. In the event, if the defects as pointed out are not rectified within the time aforesaid, the present order shall not be given effect to.

(Satyavrat Verma, J)

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