

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3574 of 2023

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Bishnupad Tiwari Son of Late Ram Charitar Tiwari, Resident of Village-
Sujanpur, P.O. Shankarpuri Badiha, P.S. Indrapuri, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer (Mechanical), Water Resources Department, Government of Bihar, Patna.
4. The Superintending Engineer, Irrigation Division (Mechanical), Dehri, Rohtas.
5. The Executive Engineer, (Mechanical), Dehri, Rohtas.
6. The Accountant General (A and E), Bihar, Patna.
7. The Treasury Officer, Sasaram, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dudh Nath Singh, Advocate
For the Respondent/s	:	Mr. Vikash Kumar, SC-11 Mr. Akash Chaturvedi, Ac to SC-11
For the A.G.	:	Mr. Raj Nandan Prasad, Advocate Mr. Vishesh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 01-02-2024 Heard Mr. Dudh Nath Singh, learned counsel

appearing on behalf of the petitioner and Mr. Akash Chaturvedi,

learned counsel for the State. Raj Nandan Prasad, learned

counsel for the Accountant General, Bihar is also present.

2. The petitioner who was initially appointed as a

correspondence clerk in the department of Water Resources,

Government of Bihar on 01.04.1971 and subsequently promoted

to the post of Junior Accounts Clerk and on 31.08.2010 retired

from Irrigation Mechanical Deivision, Dehari-on-Sone, Rohtas,



has filed the present writ petition seeking a direction upon the respondent authorities to retain the name of his nominee, namely Smt. Kumari Vidyadhari Sandil in pension payment order dated 14.01.2011 for family pension in the event of death of the petitioner.

3. After some argument the learned counsel for the petitioner submits at the Bar that the issue raised before this Court has already been set at rest by the Apex Court in the case of Civil Appeal No. 5262 of 2023 arising out of petition for Special Leave to Appeal (Civil) No. 29319 of 2019 (Smt. Shiramabai vs. The Captain, Record Officer).

4. He thus submits that he would be satisfied if the claim of the petitioner would be considered in terms of the aforenoted order.

5. At this juncture, learned counsel for the State submits that though the facts of the case as relied upon by the learned counsel for the petitioner is not identical apart from the fact that there is delay and latches on the part of the petitioner who superannuated way back in the year 2011 itself.

6. Considering the limited grievance of the petitioner the present writ petition stands disposed of with a direction to the respondent no. 5 to consider the claim of the petitioner in



terms of the afore-noted order passed in Civil Appeal No. 5262 of 2023.

7. Needless to observe that if the claim of the petitioner finds favour in terms of the aforesaid order, the consequential order shall also be passed forthwith.

8. The entire exercise must be completed preferably within a period of 8 weeks from the date of receipt/ production of the copy of this order.

9. Accordingly the present writ petition stands disposed of.

(Harish Kumar, J)

supratim/-

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