

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3702 of 2021

1(i) Asha Devi, wife of Late Gauri Shankar Jha,
(ii) Sanjay Kumar Jha, Son of Late Gauri Shankar Jha,
(iii) Binay Kumar Jha, Son of Late Gauri Shankar Jha,
All Resident of Village- Telhar, P.S.- Maheshi, District- Saharsa.
... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Under Secretary, Water Resources Department, Government of Bihar, Patna.
5. The Under Secretary, Rural Works Department, Government of Bihar, Patna.
6. The Chief Engineer, Rural Works Department-2, Bhagalpur Camp (Head Office), Patna.
7. The Superintending Engineer, Rural Works Department, Works Circle, Darbhanga.
8. The Executive Engineer, Rural Works Department, Works Division, Phulparas, District- Madhubani.
9. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha 3, Advocate
Mr. Shambhoo Kumar Suman, Advocate
For the Respondent/s : Mr. Akash Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 16-01-2024

Heard Mr. Satish Chandra Jha, learned counsel for the petitioner and Mr. Akash Raj, learned counsel for the State.

2. It is submitted on behalf of the petitioner that during the pendency of the writ petition, the sole petitioner has died and, as such, an interlocutory application, bearing I.A. No. 1 of 2021, has been filed for substitution of his legal heirs,



particulars of which has been mentioned in para.2 thereof.

3. In view of the averments made in the interlocutory application, I.A. No. 1 of 2021 stands allowed.

4. Office is directed to make necessary correction in the cause title of the writ petition.

5. It is further submitted that on account of pending departmental proceeding, the erstwhile employee had been allowed only provisional pension, which has also been stopped w.e.f. April, 2019, without disclosing any cogent reason for the same.

6. Now in the background of the demise of the sole petitioner, who was facing the departmental proceeding, he submits at the bar that now the departmental proceeding came to an end, and, thus, there is no impediment in according final pension as well as family pension. He further submitted that after the demise of the erstwhile employee, the wife of the sole petitioner has been allowed the provisional family pension as well as the arrears of provisional pension.

7. In view of the submissions advanced on behalf of the petitioners, the present writ petition stands disposed of with a direction to respondent no.3 to take a final decision on the matter of final pension of the erstwhile employee as well as



final family pension of the widow of the erstwhile employee preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.01.2024
Transmission Date	NA

