

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.29 OF 2008

RAMA NAND PANDEY (D) THR. LRS.

APPELLANT (S)

VERSUS

STATE OF JHARKHAND & ORS.

RESPONDENT (S)

O R D E R

1. This appeal is directed against the judgment and order passed by the High Court of Jharkhand at Ranchi in L.P.A. No.53 of 2004, dated 05.05.2004. By the impugned judgment and order, the High Court has rejected the writ petition solely on the ground that the appellant (since deceased, represented through legal representatives before us) cannot approach the writ court on the same cause of action twice and that the petition is thus barred.

2. We have heard learned counsel for the parties to the *lis* and carefully perused the documents on record.

3. It appears from the record that in the writ petition filed before the High Court, the appellant has requested the High Court to direct respondent No.4, namely, Accountant General, Bihar to quantify the commuted value of his pension and pay the same at the earliest. Having perused the earlier Writ Petition (S) No.2701 of 2001, in our considered view, the cause of action of the earlier writ petition did not pertain to the commuted pension. The same has been specifically noticed by the Court while disposing of writ petition No.3401 of 2003, dated 18.07.2003.

4. Shri K. Radhakrishnan, learned senior counsel appearing for respondent No.4, has brought to our notice the correspondence between

respondent No.4 and the Department of Water Resources, Patna, Bihar, dated 17.12.2004. He would submit that since the writ petition of the appellant was rejected by the High Court, further proceeding was neither undertaken by the Accountant General Office nor by the Water Resources Department.

5. Further, Respondent No.4 in his counter affidavit has stated that the retirement benefits on the basis of the revised scale of pay are already sanctioned to the appellant. Insofar as the payment of commuted value of pension is concerned, they have stated that the same has already been quantified and the sanction order was issued on 04.12.2004 and also communicated to the Water Resources Department, Patna, Bihar.

6. If that is so, we are of the considered opinion that it is for the Water Resources

Department to settle the commuted value of the pension of the appellant since that has not been done even till today. We now direct the Water Resources Department, Patna, Bihar to honour the sanction order dated 04.12.2004 passed by respondent No.4 and settle the commuted value of the appellant's pension as early as possible at any rate within two months' time from today.

7. The civil appeal is disposed of with the aforesaid directions.

Ordered Accordingly.

.....CJI.
(H.L. DATTU)

.....J.
(ARUN MISHRA)

.....J.
(AMITAVA ROY)

NEW DELHI,
MARCH 19, 2015.

ITEM NO.116

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).29 of 2008

RAMA NAND PANDEY(D)THR.LRS.

Appellant(s)

VERSUS

STATE OF JHARKHAND & ORS.

Respondent(s)

(with office report)

Date : 19/03/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE AMITAVA ROY

For Appellant(s)

Mr. R.R. Dubey, Adv.
For Ms. Sharmila Upadhyay, Adv.

For Respondent(s)

Mr. K. Radhakrishnan, Sr. Adv.
Mr. Mohan Prasad Gupta, Adv.
Mr. S.S. Rawat, Adv.
Mr. Ajay Kumar Singh, Adv.
For Mrs. Anil Katiyar, Adv.

Mr. Shivam Singh, Adv.
For Mr. Gopal Singh, Adv.

Mr. Jayesh Gaurav, Adv.
Mr. Amrendra Kr. Choubey, Adv.
For Mr. Krishnanand Pandeya, Adv

UPON hearing the counsel the Court made the following
O R D E R

The appeal is disposed of in terms of the
signed order.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file.)