

(2016) 02 JH CK 0141
In the Jharkhand High Court
Case No : W.P. (S) No. 4759 of 2015

Nageshwar Prasad Yadav

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 11-02-2016

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 1 Rule 10, Order 6 Rule 17

Citation : (2017) 2 AIRJharR 266

Hon'ble Judges : Pramath Patnaik, J.

Bench : Single Bench

Advocate : Mr. Rahul Kumar, Advocate, for the Petitioner; J.C to G.P. IV, for the Resp-State

Final Decision : Disposed Off

Judgement

Pramath Patnaik, J.—I.A. No. 333 of 2016

By this Interlocutory Application, the petitioner has, inter alia, prayed for impleadment of party respondents and further prayed for amendment in prayer portion of writ petition by way of addition.

2. Learned counsel for the petitioner submitted that the proposed amendment has been necessitated as by virtue of letter dated 17.02.2015, issued under the signature of proposed respondent no. 6-The Sr. Accounts Officers, Office of the Accountant General, the pension and retiral dues of the petitioner has been directed to be withheld subject to payment of the maintenance as awarded by the learned Principle Judge, Family Court, Chapra. It has been submitted that for the reasons aforesaid, to cut short the multiplicity of litigation, the petitioner has prayed for addition of prayer for quashing of letter dated 17.02.2015 and for impleadment of necessary party respondent no. 5-The Accountant General and respondent no. 6-The Sr. Accounts Officer, in the array of respondents. Learned counsel further submitted that the proposed amendments are formal in nature and will not change the nature and character of the writ petition.

3. Learned J.C to G.P. IV does not raise serious dispute to the prayer made by learned counsel for the petitioner.

4. Mr. Suresh Kumar, learned counsel waives notice on behalf of respondents-Accountant General. Mr. Kumar, also does not raise objection to the prayer made by learned counsel for the petitioner.

5. In view of the submissions made by learned counsel for the parties, let the Accountant General, Jharkahnd and Sr. Accounts Officer, Office of the Accountant General, Jharkhand be added as party respondent nos. 5 and 6 respectively in array of respondents and further prayer, as mentioned in paragraph 10 of the Interlocutory Application, be added in the main writ petition by learned counsel for the petitioner within a week.

6. I.A. No. 333 of 2015, thus, stands disposed of.

W.P. (S) No. 4759 of 2015

Post this case on 05.04.2016.

In the meantime, counter affidavits, may be filed by the respondents.