

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1670 of 2015

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Bindeshwar Ram @ Bindeshwar Son of Late Harihar Ram, resident of
Village- Rampurani, Post- Virna Chowk, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Old Secretariat, Patna.
2. The Principal Secetary, Urban Development & Housing Department, Govt. of Bihar, Patna.
3. The Chapra Nagar Parishad through its Chairman, Chapra.
4. The Chairman, Chapra Nagar Parishad, Chapra.
5. The Executive Officer, Chapra Nagar Parishad, Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyan Prakash, Adv & Mr.
Sharwan Kumar, Adv
For the State : Mr. Prashant Pratap GP-6
For the Nagar Parishad, Chapra : Mr. Rakesh Kumar Tiwari, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 11-03-2015 Heard learned counsel for the parties as with

regard to the following relief, prayed in this writ

application:-

“That this writ application is being filed for issuance of a writ in the nature of Mandamus commanding the Respondents to pay the difference of pay from April, 1989 to March, 1993 Financial benefits of Vth and VIth Pay Revision like State Govt. servants and Financial benefit of Two A.C.P. w.e.f. 09.08.1999 in pursuance of decision of Empowered Committee of Nagar Parishad Chapra on 12.03.2010, Salary of June to August, 1999 of strike period which have given to all General Section Staff, Financial benefits of Pay revision w.e.f 01.04.1997 instead of 01.01.2009 in pursuance of Finance Department Resolution No. 660 dated 08.02.1999.”



Having regard to the stand taken by the respondents in their counter affidavit that the entire amount of dues as claimed by the petitioner in this writ application is admissible and payable as communicated to the petitioner vide Memo No. 342 dated 02.03.2015, this Court would direct the Executive Officer of Nagar Parishad, Chapra to ensure that the amount of arrears which has been paid to any of the retired employees must be paid to the petitioner within a period of four weeks from the date of receipt of this order.

It is, however, made clear that the Executive Officer of Nagar Parishad, Chapra on account of plea of financial crunch will have the liberty of making payment to only those amount to the petitioner which has been paid to any of the retired employee of the Nagar Parishad, Chapra, who have retired after the petitioner. As a matter of fact, when the plea of financial crunch has been stated to be the only reason for not making payment of arrears of dues of salary and other in service



as well as post retirement benefits of the petitioner it is all the more necessary for the Executive Officer, Nagar Parishad, Chapra, to maintain a priority list to ensure that the dues of the retired employees are cleared first on the basis of date of retirement. The pick and choose method of making payment or making payment of the working employees first in preference to the retired employees cannot be appreciated by this Court.

Thus, this Court would direct the Executive Officer of Chapra Nagar Parishad to evolve a streamlined rational policy for making payment of the dues of arrears of retired/working employees and also implement the same in letter and spirit without making any deviation in future. This Court would also direct the Executive Officer, Nagar Parishad, Chapra to not only send a compliance report of this order to the registry of this Court but also produce a copy of the uniform ration policy that he would frame for payment of dues to the retired employees/working employees in the light of the

observations made above in this order within a period of two months.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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