

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2050 of 2015

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Suresh Kumar Son of Late Ramawatar Pandit Resident of Mohalla - Aga Husain Ka Chauraha, Haziganj Post Office - Begampur, Police Station - Chowk Patna City, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Urban Development Ministry Government of Bihar, Patna.
2. Patna Municipal Corporation through the Municipal Commissioner/Executive Officer, Patna.
3. The Municipal commissioner, Patna Municipal Corporation, Patna.
4. The Administrator, Patna Municipal Corporation, Patna.
5. The Chief Account Officer, Patna Municipal Corporation, Patna
6. The Executive Officer, Bankipur Anchal, Patna Municipal Corporation, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan, Adv
For the P.M.C : Mr. Ranjeet Kumar Pandey, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

4 22-05-2015 Heard learned counsel for the parties.

Pursuant to the earlier order of this Court dated 18.05.2015, a counter affidavit has been filed in which the authorities of Patna Municipal Corporation have explained that the amount of provident fund payable to the petitioner has not been withheld and will be in fact made available to the petitioner by Monday i.e. 25.05.2015.

Learned counsel for Patna Municipal Corporation



has also explained that the other retirement benefits of the employees of the Corporation is being paid as per the availability of the fund and right now the payment of retirement benefit is being made to the employees of the Corporation, who have retired as on 31.03.2012, since the date of retirement of the petitioner is of 31.01.2013, his payment of other retirement benefits shall also be made in order of priority list being followed by the authorities of the Corporation.

Mr. Choudhary Shyam Nandan, learned counsel for the petitioner submits that here is a case of the petitioner who will need some sympathetic consideration taking into account that not only his daughter is to be married but also that he himself is suffering from cancer.

While this Court would not like to be a party by issuing any direction for payment of retirement benefit to the petitioner out of turn because this Court in its earlier orders has held that the payment of retirement

benefit shall be made as per the priority list.

Nothing said in this order however shall come in the way of the respondent authorities in making payment of full or part of retirement benefit to the petitioner out of turn taking into account the very special circumstance as directed above.

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

(Mihir Kumar Jha, J)

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