

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1820 of 2015

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Ayodhaya Raut Son of Late Sarvjeet Raut Resident of Jagjeevan Nagar,
Bettiah Ward No- 27, Police Station - Bettiah Town, District - West
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, West Champaran at Bettiah.
3. The Executive Officer, Bettiah Town Municipality, District - West Champaran.
4. The District Provident Fund Officer, Bettiah, District - West Champaran.
5. The Accountant General, Bihar, Beerchand Patel Marg, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. B. N.Mishra, Advocate.
For the State : Mr. Thakur Jai Singh, AC to SC 26
For the Nagar Parishad: Mr. Dhananjay Kumar No.1, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 17-03-2015

Heard learned counsel for the parties.

2. The prayer of the petitioner in this writ application for a direction to the respondent Nagar Parishad for payment of retirement benefit can have no explanation either on fact or in law. Admittedly, as per order of the Executive Officer of the aforementioned Nagar Parishad, Bettiah dated 18.01.2012, as contained in Annexure-1, the petitioner was sought to be superannuated with effect from 30.11.2011 on the basis of his date of birth dated 03.11.1951. The petitioner, therefore, was entitled for payment of salary for the work done by him beyond 31.11.2011 till the issuance of the letter dated 18.01.2011.

3. That, however, has not been claimed in the writ

application and this Court has nothing to say any thing in this regard except clarifying that the length of service for the purpose of retirement benefit the petitioner shall be counted only up to 30.11.2011. On the basis of such computation, the petitioner must be paid of his retirement benefit which has been paid to any other employee of the Nagar Parishad, Bettiah who has retired on or before 30.11.2011. In other words, the petitioner should also not be discriminated in the matter of payment of retirement benefit.

4. In that view of the matter, this Court would direct the Executive Officer of Nagar Parishad, Bettiah to ensure that whatever admissible retirement benefit is payable to the petitioner, as per norms of the Nagar Parishad, Bettiah, must be paid to the petitioner within a period of three months from the date of receipt of a copy of this order and a calculation sheet of such payment should also be furnished to the petitioner within the same period of three months.

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

(Mihir Kumar Jha, J)

Sujit/-

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