

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.405 of 2014

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Dasai Ram, S/O Badha Ram, Resident of: Sandalpur, Ambedkar Colony,
Khadpur, P.O. - Mahendru, P.S. - Sultanganj, District: Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Government of Bihar, Patna
2. The Principal Secretary, Department of Urban Development and Housing Government of Bihar, Patna
3. The Municipal Commissioner, Patna Municipal Corporation, Patna
4. The Executive Officer, Bankipore Anchal, Patna Municipal Corporation, Ambedkar Bhawan, Rajendra Nagar, Patna
5. The Finance and Accounts Controller, Patna Municipal Corporation, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prashant Kumar, Advocate. Mr. Amaresh Kumar Sinha, Advocate.
For the State	:	Mr. Harun Quareshi, AC to SC 18
For the PMC	:	Mr. Ranjeet Kumar Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

6 03-02-2015 Heard learned counsel for the parties as with regard to
the following prayer made in this writ application:-

(i) For the issuance of a writ in the nature of mandamus or any other appropriate writ or order or direction, commanding the respondent authorities to grant the amount of pension, Gratuity, General Provident Fund and Group Insurance to the petitioner inasmuch as the same has not been paid to him despite his retirement three years back.

(ii) For the issuance of a writ in the nature of

mandamus or any other appropriate writ or order or direction, commanding the respondent authorities to grant the benefit of the revised salary and to pay the differential amount in pursuance thereof with effect from 01.04.1997 to 31.10.2004.

(iii) For the issuance of a writ in the nature of writ of mandamus or any other appropriate writ, order or direction, commanding the respondents to release the benefits of pay fixation in the light of grant of A.C.P. to the petitioner, as admitted in the letter bearing no. 47 dated 01.03.2012, and for a fresh calculation of pension on the basis of the aforesaid fixation of pay scale under the A.C.P. Scheme."

2. At the end of the day, the petitioner's only remaining grievance towards the retirement benefit in the aforesaid prayer, after payment of his full amount of gratuity is on the head of Group Insurance. The respondents in this regard have explained by filing a counter affidavit and placing on record the letter dated 24.09.2014 addressed to the Branch Manger of Life Insurance Corporation of India (hereinafter referred to as 'the LIC') wherein amount of insurance in respect of six employees including the petitioner has been claimed by Patna Municipal Corporation (hereinafter referred to as the Corporation) for its being paid to them.

3. Learned counsel for the respondents informed that

the LIC and the officials of the Patna Municipal Corporation (hereinafter referred to as 'the Corporation') are going to have their meeting in terms of direction given by this Court in some other cases and that by 6th April 2015, the matter will be settled.

4. This Court is not at all concerned with whatever has been going around in other cases because it was though open for the Corporation to have engaged or availed the service of LIC for monitoring the scheme of group insurance but then the poor employee cannot be made to suffer due to inaction either on part of the Corporation or the L.I.C. or both.

5. In that view of the matter, once the claim of the petitioner has been admitted by the Corporation, and if the LIC is not coming out with its payment, it will be for the Corporation to find out its ways and means for making payment of the admissible amount to the petitioner even if the payment is not being made by the LIC. The employees alike the petitioner however can not be kept on part for the payment of admissible amount which is retirement benefit.

6. This Court, therefore, hopes and believes that the authorities of the Life Insurance Corporation of India, in view of the letter of the Municipal Corporation dated 24.09.2014 and the joint meeting to be held now will consider the matter seriously

and ensure that the admissible amount of the petitioner payable under the head of group insurance is made available for its being paid by the Corporation to the petitioner within a period of two months from today.

7. This much however is made clear that since, the amount of revised salary and differential amount of salary as well as the benefit of A.C.P. is not a retirement benefit, this Court would refuse to make any determination with regard to them.

8. With the aforesaid observations this writ application is disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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