

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5049 of 2016

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Brajdeo Prasad Sinha, S/o Late Kali Prasad Sinha, resident of Village-
Lohiya Chauk, Barahiya, P.S. Barhiya District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Urban Development and
Housing Department, Government of Bihar, Patna.
2. Administrator, Barahiya Municipality District Lakhi Sarai.
3. The Executive Officer, Nagar Panchayat, Barhiya District Lakhisarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Murari, Advocate

For the Respondent No.1 : Mr.Sriram Krishna, AC to SC 11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 15-09-2016

Heard the parties.

2. The petitioner has filed the present writ petition under Article 226 of the Constitution of India for the reliefs enumerated in paragraph 1 of the writ petition.

3. The learned counsel appearing on behalf of the petitioner submits that the petitioner superannuated from service on 31.07.2013 from the post of Head Clerk-cum-Accountant while he was posted in Barhiya Nagar Panchayat in the district of Lakhisarai.

4. In the writ petition though, it has been stated that the petitioner has approached the respondent no.3 for payment of entire retiral dues, but it has nowhere stated that his claim has not either been considered or has been rejected.

5. The learned AC to SC 11, appearing on behalf of the respondent no.1, submits that the retiral dues are required to be paid by the respondent nos. 2 and 3

6. In above view of the matter, this Court is of the opinion that, instead of keeping the matter pending before this Court calling upon the respondent nos. 2 and 3 to file their counter

affidavit, the interest of justice shall be subserved if the petitioner is granted liberty to file a fresh comprehensive representation before the respondent No.2 or any other competent authority of Nagar Panchayat, Barahiya with all supporting documents raising all his grievances, which have been raised in the present writ petition. It is ordered accordingly.

7. If such a fresh comprehensive representation is filed on behalf of the petitioner within a period of one month from today with all supporting documents as also with a certified copy of the present order, then the respondent no.2 either himself or any other competent authority of Nagar panchayat, Barahiya shall be obliged to consider and decide the claims of the petitioner by a reasoned and speaking order, after giving an opportunity of hearing to all concerned including the petitioner, besides others, if any, at an early date preferably within a period of three months from the date of filing of such representation.

8. If on consideration of the materials, the competent authority comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then consequential orders for grant of such admissible claims shall also be issued without any unnecessary further delay.

9. It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner and this is left to be decided by the competent authority strictly in accordance with law.

10. The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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