

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5861 of 2014

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Brahmdeo Mandal, S/o Late Bhola Mandal, resident of Village - Bageshwari, P.O. Shampur, P.S. Haweli Kharagpur, District - Munger

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna
3. The Joint (Special) Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna
4. The District Magistrate, Munger
5. The Executive Officer, Munger Municipal Corporation/Nagar Parishad, Munger
6. The Treasury Officer, Munger

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate

For the Respondent/s : Mr. Kaushal Kumar Jha, AAG-14

Mr. Shankar Kumar Choudhary, AC to AAG-14

For the Corporation : Mr. Ambika Bhagat, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 19-05-2016

Heard learned counsel for the petitioner, State and learned counsel appearing for Municipal Corporation, Munger.

The petitioner was appointed as Electrician in Nagar Parishad, Munger, on 10.02.1974. The petitioner retired, on 31.12.2011, from the post of Superintendent from Munger Municipality (now Corporation).

The petitioner submits that though other grievances have been redressed, but he is not being paid his pension. Referring to various orders of this Court, learned counsel for the petitioner

submits that onus is upon the Corporation to make payment of pension as well and cannot shift the burden to the Government.

Mr. Bhagat, learned counsel appearing for the Corporation, submits that the scheme of pension, in view of paucity of fund, has not been introduced in Munger Municipal Corporation. He submits that as soon as the same is introduced, the petitioner and other similarly situated employee would be paid his/her pension.

This Court would like to point out at this juncture that if any employee has got pension, who has retired subsequent to the petitioner, there would be no reason why the petitioner should also not be paid his pension. The Corporation will take appropriate decision in the matter within a period of two months from the date of receipt of a copy of this order.

This application stands disposed of.

(Samarendra Pratap Singh, J.)

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