

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22688 of 2013

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Bhagwandas Choudhary, Son of Late Puna Choudhary, resident of Mohalla-Khandpar, Board No. 3, P.S.- Sheikhpura, District- Sheikhpura Petitioner.
Versus

1. The State of Bihar
 2. The Executive Magistrate, Nagar Parishad, District- Sheikhpura
 3. The District Magistrate (D.M.), District- Sheikhpura
 4. The Sub-Divisional Magistrate (S.D.O.) District- Sheikhpura... Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Satish Kumar, Advocate
For the Respondent/s : Mr. AC to SC-15

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 10-05-2016

Heard learned counsel for the petitioner and the respondents.

2. The petitioner retired from Nagar Parishad, Sheikhpura on 28.02.2013 from the post of peon. He seeks payment of gratuity, provident fund, leave encashment, pension as well as arrears of salary as per 5th Pay Revision Recommendation.

3. The petitioner submits that his case is similar to that of petitioners' of C.W.J.C. No. 1227 of 2014 (Abdul Samad Khan & Ors. Vs. The State of Bihar & Ors.), disposed of on 02.02.2015 and seeks similar relief. The aforesaid writ application was disposed of with liberty to the petitioners to approach the Chief Executive Officer, Nagar Parishad (Municipality), Sheikhpura and if the latter found that such benefit is extended to the similarly situated employees who retired prior to the petitioners or after them, their cases would also be

considered on the same rationale basis. While disposing of the writ application, the Court made it clear that it has not expressed any final opinion with regard to the claim of those petitioners.

4. In the instant case, the respondents state that petitioner has already been paid Rs.25,438/- towards gratuity and Rs.15,528/- towards earned leave encashment. They further submit that not a single employee of Nagar Parishad, Sheikhpura has been paid pension. They further submit that General Body took a decision to make payment as per 5th pay commission recommendation to the working employee of Nagar Parishad, Sheikhpura w.e.f. November, 2012, subject to sanction of the fund from the Urban Development Department. Furthermore, the petitioner cannot claim benefits of 5th pay revision recommendation, which was sought to be implemented from November, 2012, as he had retired in the year 2003 itself.

5. This writ application is disposed of with an observation that if similarly situated employees are being paid retrial benefits as per 5th pay revision recommendation, the Nagar Parishad, Sheikhpura would extend the same benefit to the petitioner.

(Samarendra Pratap Singh, J.)

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