

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3733 of 1999

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MOST.SHANTI DEVI WIFE OF LATE RAM KUMAR YADAV,
RESIDENT OF BIHTA SUGAR MILL COLONY POST AND POLICE
STATION, BIHTA, BIHAR.

.... PETITIONER/S

VERSUS

A.K.SRIVASTAVA, ADMINISTRATOR, PATNA MUNICIPAL
CORPORATION.

.... RESPONDENT/S

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Appearance:

For the Petitioner/s : Mr. None.

For the Respondent/s : Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 05-08-2016

Heard learned counsel Mr. Prasoon Sinha, retainer of

Patna Municipal Corporation while learned counsel for the
petitioner is absent.

From order dated 25.09.2001, it is evident that this
petition was admitted on the pretext of having CWJC No.9194 of
1999 having been admitted to decide the question of payment
relating to group insurance, the scheme earlier launched but
defaulted by the corporation. In CWJC No.9194 of 1999 which
was disposed of vide order dated 05.08.2010 giving liberty to the
petitioner of that CWJC to file representation disclosing the fact
that in case similarly situated retired employees were given
benefit, then in that event, the corporation was put under
obligation to make payment.

That being so, in this case also corporation/opposite
party should carry the same and similar obligation. Accordingly, is

directed to trace out whether such kind of payment has been made to other or not at their end. In case payment has been made, then in that event, petitioner of instant MJC, namely, Mostt. Shanti Devi is also entitled to receive the amount. The aforesaid exercise must be completed within four weeks. Expecting such exercise to be completed with due diligence instant proceeding is dropped keeping the interest of the petitioner immune in case, there happens to be violation at the end of the corporation/opposite party and in that case, the opposite party will have only to plead in defence reasons with regard to non-compliance.

(Aditya Kumar Trivedi, J)

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