

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4190 of 2015

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1. Lakshmi Devi W/O Late Ayodhya Sao, retired Bank peon, water Board,
P.M.C. Patna, resident of Danka Imali, P.S. Alamganj, Dist-Patna.

.... Petitioner/s

Versus

1. Patna Municipal Corporation, represented through it's Chief Executive officer- Cum- Municipal Commissioner Patna Municipal Corporation, Budhya Marg, Pana- 800001.
2. Chief Executive Officer-Cum-Municipal Commissioner, Patna Municipal Corporation, Budhya Marg, Patna- 800001
3. Executive Officer, Water Supply Division (Water Board), Patna Municipal Commissioner, Budhya Marg, Patna- 800001.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tilak Sao, Advocate.

For the Respondent/s : Mr. Hargovind Singh Himkar, Advocate

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 09-05-2016 Heard both sides.

Earlier C.W.J.C. No. 1355 of 2011 was filed by her husband for payment of arrear of pension. From Annexure-1 to the writ petition, it appears that the said amount was cleared and authorized in favour of the husband of petitioner vide order dated 16.7.2011. Now the present writ petition by the widow of the employee prays for a direction to grant her the benefit of revised pension for the period 01.04. 1997 to 31.10.2004.

A counter affidavit is placed on record filed by the respondent-Patna Municipal Corporation enclosing therewith the order dated 08.10.2015 passed in batch of contempt application(s)

arising in cases related to the Patna Municipal Corporation. It is submitted that paucity of fund with the Corporation disabling it to pay the arrears of difference of salary/pension pursuant to the revision of pay on accepted has been found an acceptable ground by this Court.

In the light of the aforesaid, this Court shall not direct the respondents to pay the arrears as claimed by the petitioner forthwith but would observe that no sooner the funds are made available or generated by the respondent Corporation the dues of the petitioner shall be paid in accordance with law.

The writ application stands disposed of.

(Kishore Kumar Mandal, J)

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