

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15646 of 2015

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Bhagwatia Devi wife of Raghunandan, Resident of Mohalla- Yarpur, P.S.-
Gardanibagh, District- Patna.

.... Petitioner

Versus

1. The Patna Municipal Corporation through its Commissioner, Mauryalok Campus, Patna.
2. The Commissioner, Patna Municipal Corporation, Patna.
3. The Vigilance Officer, Patna Municipal Corporation, Patna.
4. The Executive Officer, Bankipur Anchal, Patna Municipal Corporation, Patna.
5. The Chief Account Officer, Patna Municipal Corporation, Patna.

.... Respondents

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Appearance:

For the Petitioner : Mr. Pramod Rajpati, Advocate
Smt. Durga Kumari, Advocate

For the Respondents : Mr. Rajesh Kr. Pandey, Advocate.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 20-05-2016

Heard parties.

Through this writ application, the petitioner seeks directions to the Patna Municipal Corporation for payment of post retiral benefits such as arrear of revised pension from 01.10.2001 to 31.03.2010, arrears of D.A. from 01.07.1993 to 31.03.1997 and arrears of difference of pay on account of pay revision from 01.04.1997 to 30.06.1999.

So far the arrear falling under the head of difference of pay of revision is concerned, it has been contended on behalf of the Patna Municipal Corporation that other employees have not been paid



due to paucity of fund and whenever the fund would be available, the same would be paid to the petitioner without any discrimination. So far the arrears due to revision of pension is concerned, order has been appended with the counter affidavit issued by the Executive Officer, Bankipur Circle, Patna Municipal Corporation which shows that sanction has been made for payment of Rs.74,887/-. However, there is no explanation as to why such delay has been made in the revision of pension of the petitioner. So far the arrear of D.A. for the period of 01.07.1993 to 31.03.1997 calculated to be Rs.8,564/- is concerned, there is no explanation as to why it has not been paid to the petitioner.

A stand is being taken that petitioner has not been paid due to paucity of fund but such submission made on behalf of the Patna Municipal Corporation is noted only to be rejected as the D.A. forms the part of salary and there is no occasion for not releasing such amount falling under the head of difference of D.A. for the period commencing from 01.07.1993 to 31.03.1997 to a retired employee specially when it is meager amount of Rs.8,564/- only. Thus, it is ordered that the amount which has already been sanctioned with respect to the difference of revision of pension and D.A. should be paid within a period of one month to the petitioner. So far the arrears of pension due to revision is concerned, petitioner would be entitled to receive payment along with other employees without any

discrimination whenever the fund would be made available to the Patna Municipal Corporation.

Accordingly this writ application is disposed of.

(Dr. Ravi Ranjan, J.)

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