

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4982 of 2014

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1. Bharat Singh S/O Late Rameshwar Singh Resident Of Village - Shekhpura, P.O. Nandlalabad, P.S. Gaurichak, District - Patna

.... Petitioner/s

Versus

1. The Commissioner, Patna Municipal Corporation, Patna
2. The Executive Officer, Water Supply Branch under Patna Municipal Corporation, Patna
3. The Chief Engineer, Water Supply Branch, Under Patna Municipal Corporation, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar, Adv.

For the Respondent/s : Mr. Ranjeet Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 19-11-2016

This writ application has been filed for issuance of a direction to the respondents to pay retiral dues as Gratuity, Leave Encashment, General Provident Fund and the arrears of difference of Dearness Allowance.

2. The petitioner was working on the post of Pump Operator in the Water Supply Branch under Patna Municipal Corporation, Patna. The contention of the petitioner is that he retired on attaining the age of superannuation on 31st March, 2013 but till date the respondents have not paid him his post retiral dues.

3. On the other hand, learned counsel for the Municipal Corporation has submitted that after retirement of the petitioner on



31st March, 2013, calculation was made and Rs.1,37,156/- has already been paid to the petitioner under the head of 'Provident Fund' on 9th July, 2014. He has submitted that so far as other remaining post retiral benefits like 'Gratuity' and 'Earn Leave Encashment' are concerned, the same have been calculated but due to paucity of fund the same could not be paid to the petitioner in time. He has contended that the Corporation is making efforts to pay post retiral dues to its retired employees in a systematic manner. For that reason, a mechanism has been developed to pay the post retiral benefits in chronological order as per the date of retirement to avoid discrimination between the employees and accordingly by order dated 22nd November, 2013 a decision was taken by the Municipal Commissioner to pay the post retiral benefits to its employees, who retired or died upto 31st March, 2010 and thereafter vide order dated 31st March, 2014 a decision was taken by the Corporation to pay the retiral benefits to its employees, who retired/died upto 31st March, 2012. Subsequently, a similar decision has been taken vide order dated 22nd September, 2015 to pay post retiral benefits to its employees, who retired/died upto 31st March, 2013. He has stated that since the petitioner has retired on 31st March, 2013, his case is covered by the decision dated 22nd September, 2015 and he will be paid the remaining post retiral dues within a short time.

4. In view of the submission made by the learned counsel for the Corporation, this application is disposed of with a direction to the respondents to pay the unpaid post retiral dues of the petitioner without any delay. In case, the same are not paid within three months from today, the petitioner would be entitled to interest at the rate of 10% per annum from the date on which the payment became due till the date of actual payment.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	----
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