

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14307 of 2016

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Abinash Kumar Singh Son of late Mangal Prasad Singh Resident of Village -
Gotthani, P.S. - Rafiganj, District - Aurangabad, Bihar Petitioner

Versus

1. The State of Bihar through Secretary, Department of Urban Development,
Government of Bihar, Patna.
2. The Secretary, Department of Urban Development, Government of Bihar, Patna.
3. The Patna Municipal Corporation at Patna, through the Commissioner, Patna
Municipal Corporation, Patna.
4. The Commissioner, Patna Municipal Corporation, Maurya Lok, Patna.

.... .. Respondents

with

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Civil Writ Jurisdiction Case No. 14278 of 2016

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Lallan Prasad Singh @ Lalan Prasad Singh, son of late Shyam Singh, resident of
village Hathiyawan, P.S. + District Sheikhpura, Bihar Petitioner

Versus

1. The State of Bihar, through Secretary, Department of Urban Development,
Govt. of Bihar, Patna
2. The Secretary, Department of Urban Development, Govt. of Bihar, Patna
3. The Patna Municipal Corporation at Patna, through the Commissioner, Patna
Municipal Corporation, Patna
4. The Commissioner, Patna Municipal Corporation, Maurya Lok, Patna

.... .. Respondents

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Appearance :

(In CWJC No.14307 of 2016)

For the Petitioner/s : Mr. Surendra Kumar Singh, Adv.

For the Respondent/s : Mr. Rajiv Roy, GP1

For the Corporation : Mr. Prasoon Sinha, Adv.

(In CWJC No.14278 of 2016)

For the Petitioner/s : Mr. Surendra Kumar Singh, Adv.

For the Respondent/s : Mr. Subhash Pd. Singh, GA3

For the Corporation : Mr. Prasoon Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 15-05-2017

Heard Mr. Surendra Kumar Singh, learned counsel for the

petitioner in the two writ petitions, learned counsel for the State and

Mr. Prasoon Sinha, learned counsel appearing for Patna Municipal

Corporation in each of the two writ petitions.

Since the issue raised in the two writ petitions is identical



hence both have been heard analogous and with the consent of the parties are being disposed of at the stage of admission itself by this common judgment.

The petitioners in the two writ petitions pray for a direction to the authorities of Patna Municipal Corporation including the Commissioner thereof to bring the petitioner(s) under the ambit of Patna Municipal Corporation Officers and Employee Pension Rule, 1986 (hereinafter referred to as 'the Pension Rule') as also to extend all benefits and privileges of the said Pension Rule to the petitioner(s) of the two writ petitions, who were employees of erstwhile PRDA but have been absorbed in the Patna Municipal Corporation since after its dissolution.

The only dispute which arises for consideration is, whether these petitioners after their absorption in the Corporation, were entitled to the benefits under 'the Pension Rule' as applicable to the Corporation employees and for which a query was made by the Municipal Commissioner by letter dated 21.1.2017 addressed to the Principal Secretary, Urban Development and Housing Department, a copy of which is placed on record vide Annexure R3/B filed on behalf of the Corporation in each of the two writ petitions, as to how the pension cases of these employees of erstwhile PRDA who have been absorbed in Patna Municipal Corporation, is to be dealt with. It is in response to the query so made by the Municipal Commissioner



through his letter dated 21.1.2017, placed at Annexure R3/B, that the Urban Development and Housing Department through the Director, Municipality cum Joint Secretary has issued an advisory to the Municipal Commissioner of Patna Municipal Corporation that the cases of such of the employees who stood absorbed with the Corporation would be governed in the same manner as the permanent employees of the Corporation. A copy of such advisory dated 24.4.2017 of the Urban Development and Housing Department, Govt. of Bihar has been placed on record vide Annexure 10 to the rejoinder to the counter affidavit.

Having heard learned counsel for the parties and considering that the query whatsoever engaging the Municipal Commissioner, Patna stands satisfied in the advisory present in the letter dated 24.4.2017 vide Annexure 10, it is now for the Municipal Corporation to enforce the same and let the Municipal Commissioner, Patna take a final decision to such effect within a period of six weeks from the date of receipt/ production of a copy of this order.

The writ petitions are allowed with the directions aforementioned.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.05.2017
Transmission Date	NA

