

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2288 of 2009

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Md. Sultan Ansari, Son of Late Md. Mansoor Ansari, resident of village Lodipur, P.S. Lodipur, District Bhgalpur, At present posted as “Vaccinator”, in the Bhagalpur Municipal Corporation, Bhagalpur.

.... Petitioner

Versus

1. The Bhagalpur Municipal Corporation, through its Mayor, at Bhagalpur.
2. The Mayor, Bhagalpur Municipal Corporation, Bhagalpur.
3. The Municipal Commissioner, Bhagalpur Municipal Corporation, Bhagalpur.
4. The Administrator, Bhagalpur Municipal Corporation, Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Purushottam Kr. Jha
Mr. Avanindra Kr. Jha

For the Respondent/s : Smt. Pavina Kumari (Rai)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 30-03-2017 The present writ petition was filed in the month of February, 2009 by the petitioner, who at the relevant time functioning as Vaccinator in the Bhagalpur Municipal Corporation. A claim was made that his pay was not revised as per the pay-scale of Vaccinator i.e. Rs. 2650-4000/- despite his request before the authority concerned and even after filing representation, no decision was taken. Thereafter, the petitioner was constrained to approach this Court by filing the present writ petition. In the writ petition, long back on 18-02-2009, six weeks’ time was granted for filing counter affidavit, however; till date, no counter affidavit has been filed.



Smt. Pravina Kumari, learned counsel appearing on behalf of Bhagalpur Municipal Corporation submits that instead of adjourning the case, it may be disposed of with a direction to the respondents, particularly respondent no. 3 i.e. Municipal Commission, Bhagalpur Municipal Corporation to examine the claim of petitioner and decide the same within prescribed time.

Sri Avanindra Kumar Jha, learned counsel for the petitioner is in agreement with the submission of learned counsel for the Municipal Corporation.

Accordingly, the present writ petition stands disposed of granting liberty to the petitioner to file a fresh representation with supportive document before the respondent no. 3. If such representation is filed within a period of six weeks from today, the Court expects that respondent no. 3 may examine the same and pass appropriate order in accordance with law. If he feels grievance of the petitioner as genuine, he may pass consequential order. All the formalities must be completed within a period of three months from the date of filing of such representation. It is made clear that if the respondent no. 3 proposes to reject the claim of the petitioner, he would be required to pass a reasoned order and communicate the same to the petitioner.

With above observation, the writ petition stands



disposed of.

(Rakesh Kumar, J.)

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