

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6465 of 2015

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Jawahar Yadav, Son of late Mahendra Yadav, Resident of Village / Mohalla -
Milki Chak, P.S. - Naya Ramnagar, District - Munger.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Dept.
Govt. of Bihar, Patna.
2. The Secretary cum Commissioner, Urban Development Department, Govt. of
Bihar, Patna.
3. The Collector cum District Magistrate, Munger, Bihar.
4. The Chairman, Jamalpur Nagar Parishad, Munger, Bihar.
5. The Executive Officer, Jamalpur Nagar Parishad, Munger, Bihar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
Mr. Swapnil Kumar Singh, Advocate
For the Respondent No.4 &5 : Mr. Rakesh Kumar Sinha, Advocate
For the Respondent-State : Md. Kamil Akhtar, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 16-03-2017

In the present writ application the petitioner seeks a
direction to be issued to the respondent authorities to grant all his
retiral dues according to Sixth Pay Commission recommendations.

2. The petitioner retired on 31st of October, 2013 as
Work Sarkar from the Jamalpur Nagar Parishad.



3. It is submitted by the learned counsel for the petitioner that though the government is paying retiral dues to its employees in terms of Sixth Pay Commission recommendations, the Jamalpur Nagar Parishad is denying such benefits to its employees on the pretext of paucity of fund.

4. On the other hand, learned counsel for the Jamalpur Nagar Parishad submitted that the prayer of the petitioner is misconceived. He submitted that no employee of the Nagar Parishad has been given the benefit of Sixth Pay Commission recommendation. He submitted that due to the financial constraints, the Nagar Parishad is not in a position to make payment of retiral dues to its employees on the basis of the recommendations made by the Sixth Pay Commission.

5. I have heard learned counsel for the parties and perused the record.

6. It is not the case of the petitioner that the Nagar Parishad has resolved to adopt the recommendations of the Sixth Pay Commission. In absence of any such pleading only because the State Government has granted benefits of Sixth Pay Commission recommendation to its employees, this Court cannot issue a writ of mandamus to the Jamalpur Nagar Parishad for allowing the same benefits to its retired employees specially when the specific



pleading of the Nagar Parishad is that it has got no resources to meet with such financial burden. In the opinion of this Court, such a direction would be an order in futility.

7. Accordingly, the writ application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.03.2017
Transmission Date	NA

