

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3657 of 2015

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Subodh Jha S/o Late Jagdish Jha R/o B/28, New Bageshwari Colony, P.S.
Delha, P.O. Gaya Railway Station, District Gaya, Bihar.

... .. Petitioner/s

Versus

1. The Municipal Commissioner, Gaya Municipal Corporation, Gaya.
2. The Mayor, Gaya Municipal Corporation, Gaya.
3. The Secretary, Housing and Urban Development Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S. A. Alam
		Ms. Anjum Paria
		Mr. Fakhruddin Ali Ahmad
For the Municipal Corporation:		Mr. Rabindra Kumar Priyardarshi
For the State	:	Mr. K. P. Gupta
		GP-10
		Mr. Ashok Kumar Gupta
		AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

13 19-09-2017 Heard learned counsel for the parties.

The entitlement of the petitioner for pension payable by the
Gaya Municipal Corporation, being a former employee of Gaya
Regional Development Authority, is no longer an issue, which
is required to be debated.

This Court had occasion to deal with another matter in
relation to Patna Regional Development Authority. Since all the
Regional Development Authorities, which were abolished and
the respective Municipal Corporation became the successors-in-
interest, therefore, there is no scope for any argument whether a
retired employee of Gaya Regional Development Authority will



be an employee of Gaya Municipal Corporation or not.

Since this Court had given a very detailed reasoning in favour of an employee in *C.W.J.C. No. 3381 of 2006, which is the case of Lalan Prasad Singh Versus State of Bihar & ors. and C.W.J.C. No. 3565 of 2006, decided on 28.02.2007*, the same logic and ratio shall apply in the case of the present petitioner as well. The Court has further been informed that the said decision now stands affirmed by a Division Bench as well as Hon'ble Apex Court. Similar view is taken even in C.W.J.C. No. 14307 of 2016, which has been decided by a Learned Single Judge on 15.05.2017.

In view of the above, writ application stands allowed.

Respondent - Gaya Municipal Authorities are directed to settle the claim of the petitioner, preferably within a period of three months from the date of communication / production of a copy of this order.

(Ajay Kumar Tripathi, J)

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