

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14644 of 2012

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Raj Ballava Prasad, S/o Late Shri Umeshwar Prasad, R/o Mohalla- Nawagarh, P.S.-
Civil Lines, at & District- Gaya

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary, Department of Urban Development, Government of Bihar, Patna
3. The District Magistrate, Gaya
4. The Municipal Corporation, Gaya through the Municipal Commissioner, at &
District- Gaya
5. The Municipal Commissioner, Municipal Corporation, Gaya, District- Gaya

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Sinha No.-1, Advocate

For the Respondent-State: Mr. Akhileshwar Singh, AC to GA-2

For the Respondents no.4 & 5:Mr. Rabindra Kumar Priyadarshi, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 29-06-2017

Heard learned counsel for the petitioner and learned
counsel appearing for the Municipal Corporation.

It has been stated in the supplementary counter
affidavit filed on behalf of respondents no.4 and 5 that the Board of
the Corporation had taken the conditional decision that the revised
salary/pension of the employees of the corporation will be paid if



the State Government will release the fund. They have also annexed a calculation chart in their supplementary counter affidavit showing Rs.1,79,331/- to be admissible to the petitioner. The stand of the respondent no.4 and 5 is that the said amount would be paid only if money from the State Government is released.

Learned counsel for the petitioner accepts the aforementioned calculation chart. He submitted that paucity of fund cannot be made an excuse for not paying the revised pension of the petitioner.

On the other hand, learned counsel for the Corporation submitted that the Board of the Corporation had decided to implement the recommendation of the 6th Pay Revision in anticipation to receive fund in this regard from the State Government as grant-in-aid. He submitted that the condition was very much clear that the salary/pension will be made only after receiving the amount from the Government and the local bodies employees' federation had agreed that difference of amount due to revision of salary will be paid only after availability of fund. He submitted that in an identical prayer made by an employee of the Corporation, Gopal Ram in M.J.C. No. 140 of 2003, a Division Bench of this Court had directed the Corporation to pay of different amount due to revision of pay within two weeks of release of the



amount of the Government. He has also drawn my attention towards another order in M.J.C. No. 3227 of 2005 wherein in case of a retired employee, the Division Bench directed for payment of differential amount in revised scale after receipt of fund from the State Government in this regard.

Having heard the parties, on the facts and in the circumstances of the case, this writ application is disposed of with direction to the respondent-Corporation to pay the differential amount to the petitioner in the revised scale after receipt of fund from the State Government in this regard without delay.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.07.2017
Transmission Date	NA

