

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14380 of 2008

=====

Md. Quommuddin Khan, son of late Raj Mullah Khan, resident of Maphi,
P.O. Khajuri, P.S. Kuchaikote, District Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Urban Development Department, Government of Bihar,
Patna
3. The Patna Municipal Corporation through its Administrator
4. The Administrator, Patna Municipal Corporation Patna
5. The Patna Water Board through its Chief Executive Officer Patna
6. The Chief Engineer, Water Board, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. None

For the PMC : Mr. Ranjeet Kumar Pandey

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

17 04-01-2018 No one appears on behalf of the petitioner to press this writ petition. However, learned counsel for the State is present.

In the present case, the petitioner is claiming for grant of benefit of promotional and ACP benefit.

In the supplementary counter affidavit filed by the Municipal Corporation Patna it has been stated that admitted dues have been paid to the petitioner. It will be relevant to quote paragraph 3 to 5 of the supplementary counter affidavit:

“3. That it is relevant to mention here that the petitioner retired from the post of Pipe Line Mistri on 30.11.2012 from Water Board under Patna Municipal Corporation, after the retirement



the petitioner has been paid amount of provident fund to Rs. 6,0279/- vide cheque no.075200 dated 7.7.2014 and amount of gratuity to the tune of Rs.3,34,604/- amount of earn leave to the tune of Rs.2,02,790/- which is evident from the pass book of the petitioner itself. The petitioner has also been paid amount of group insurance to the tune of Rs.21,045/- vide Cheque No.074805 dated 19.9.2013.

4. That it is also relevant to mention here that arrears of dearness allowance from 1.7.1993 to 31.10.2004 to the tune of Rs.34,447.75 and arrears of salary from 1.4.1997 to 31.10.2004 as per the benefit of ACP to the tune pf Rs.1,40,985/- that is total amount of Rs. 1,75,462.75 has already been paid to the petitioner through R.T.G.S. in two installments of Rs.87,731.38 each vide memo no.752 dated 11.8.2016 and memo no.773 dated 17.8.2016, the calculation chart of arrears of dearness allowance and arrears of salary as per the benefit of ACP is also bring on record to show the calculation made by the Patna Municipal Corporation. The payment of Rs.1,75,462.75 is also reflected from the pass book of the petitioner.

5. That from the facts and circumstances stated hereinabove it is evident that the actual benefit of arrears of salary from 01.04.1997 to 31.10.2004 as per the ACP and arrears of dearness allowance from 01.071993 to 31.10.2004



has already been paid to the petitioner which is also evident from pass book of the petitioner itself.”

During pendency of the writ petition the sole petitioner has died. This Court has adjourned the case on 1.12.2017 for filing proper substitution petition. Till date no such application has been filed.

It appears that entire payment has been made and no one is interested to pursue this matter.

In such view of the matter, this writ petition is dismissed for non-prosecution.

(Shivaji Pandey, J)

Vinay/-

U			
---	--	--	--

