

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12416 of 2018

=====

Veena Devi, W/o Dilip Ram, R/o Private Bus Stop, Ward No. 8, P.S. - Madhubani,
District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Urban Development & Housing Department, Government of Bihar, Patna.
2. The Executive Officer, Nagar Parishad, Madhubani.

.... Respondent/s

with

=====

Civil Writ Jurisdiction Case No. 12420 of 2018

=====

Dilip Ram, S/O Late Biltu Ram, R/O Private Bus Statnd, Ward No. 8, P.S.
Madhubani, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Urban Development & Housing Department Government of Bihar, Patna.
2. The Executive Officer, Nagar Parishad, Madhubani.

.... Respondent/s

with

=====

Civil Writ Jurisdiction Case No. 12816 of 2018

=====

Mushar Ram, S/o Hardul Ram, R/o Ambedkar Nagar, Bhaura, Ward No. - 26, P.S. -
Madhubani, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Urban Development & Housing Department, Government of Bihar, Patna.
2. The Executive Officer, Nagar Parishad, Madhubani.

.... Respondent/s

with

=====

Civil Writ Jurisdiction Case No. 12955 of 2018

=====

Smt. Laxminia Devi, S/o Mushar Ram, R/o Ambedkar Nagar, Bhaura, Ward No.
26, P.S.- Madhubani, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Urban Development & Housing Department Government of Bihar, Patna.
2. The Executive Officer, Nagar Parishad, Madhubani.



.... Respondent/s

with

=====

Civil Writ Jurisdiction Case No. 13673 of 2018

=====

Ramawtar Ram, S/o, Resident of Ambedkar Nagar, Bhauara Ward No.-26, P.O. Bhauara, P.S. + District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Urban Development & Housing Department Government of Bihar, Patna.
2. The Executive Officer, Nagar Parishad, Madhubani.

.... Respondent/s

with

=====

Civil Writ Jurisdiction Case No. 16961 of 2017

=====

Bindeshwar Thakur, S/o Late Ram Prasad Thakur, R/o Moh.- Stadium Chouk, Bhawani Nagar, P.S.- Madhubani, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Housing Department, Government of Bihar, Patna.
2. The Executive Officer, Nagar Parishad, Madhubani.

.... Respondent/s

with

=====

Civil Writ Jurisdiction Case No. 16983 of 2017

=====

Ansari, S/o Late Md. Mahmood, R/O Village-Bhakhrauli (Bhachhi Panchayat), P.O.-Basuara, P.S.-Town (Madhubani), District-Madhbani.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Urban Development Housing Department, Government of Bihar, New Secretariat, Patna.
2. The Nagar Parishad, Madhubani through its Executive Officer.
3. The Executive Officer, Madhubani, Nagar Parishad.

.... Respondent/s

=====

Appearance :

(In CWJC No.12416 of 2018)

For the Petitioner/s : Mr. Ashutosh Kumar Jha and



For the Nagar Parishad	:	Mr. Rajiv Kumar Pandey, Advocates
For the State	:	Mr. Purushottam Jha, Advocate
(In CWJC No.12420 of 2018)	:	Mr. Kinkar Kumar, S.C. 9
For the Petitioner/s	:	Mr. Ashutosh Kumar Jha and
	:	Mr. Rajiv Kumar Pandey, Advocates
For the Nagar Parishad	:	Mr. Purushottam Jha, Advocate
For the State	:	Mr. Kinkar Kumar, S.C. 9
(In CWJC No.12816 of 2018)	:	
For the Petitioner/s	:	Mr. Ashutosh Kumar Jha and
	:	Mr. Rajiv Kumar Pandey, Advocates
For the Nagar Parishad	:	Mr. Purushottam Jha, Advocate
For the State	:	Mr. Kinkar Kumar, S.C. 9
(In CWJC No.12955 of 2018)	:	
For the Petitioner/s	:	Mr. Ashutosh Kumar Jha and
	:	Mr. Rajiv Kumar Pandey, Advocates
For the Nagar Parishad	:	Mr. Purushottam Jha, Advocate
For the State	:	Mr. Kinkar Kumar, S.C. 9
(In CWJC No.13673 of 2018)	:	
For the Petitioner/s	:	Mr. Ashutosh Kumar Jha and
	:	Mr. Rajiv Kumar Pandey, Advocates
For the Nagar Parishad	:	Mr. Purushottam Jha, Advocate
For the State	:	Mr. Kinkar Kumar, S.C. 9
(In CWJC No.16961 of 2017)	:	
For the Petitioner/s	:	Mr. Ashutosh Kumar Jha and
	:	Mr. Rajiv Kumar Pandey, Advocates
For the Nagar Parishad	:	Mr. Purushottam Jha, Advocate
For the State	:	Mr. Kinkar Kumar, S.C. 9
(In CWJC No.16983 of 2017)	:	
For the Petitioner/s	:	Mr. Ashutosh Kumar Jha and
	:	Mr. Rajiv Kumar Pandey, Advocates
For the Nagar Parishad	:	Mr. Purushottam Jha, Advocate
For the State	:	Mr. Kinkar Kumar, S.C. 9

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 31-07-2018

Heard learned counsel for the petitioners; State and Nagar Parishad, Madhubani.

2. Learned counsel for the petitioner in C.W.J.C. No. 12416 of 2018, is permitted to make necessary correction in paragraph no. 5 of the writ petition relating to the date of superannuation. Let the same be done during the course of the day.



3. The petitioners have moved the Court seeking payment of their retiral dues and also revision in terms of the 6th Pay Revision Commission.

4. At the very outset, learned counsel for the Nagar Parishad, Madhubani submitted that in quite a few cases, admitted payments have been made, but if any amount has still not been paid to the petitioners, the same shall be paid within two months. With regard to the revision, in terms of the 6th Pay Revision Commission, it was submitted that the Court has issued certain direction in C.W.J.C. No. 12268 of 2017 and analogous cases.

5. Having regard to the aforesaid, the writ petitions stands disposed off with a direction to the Nagar Parishad, Madhubani to ensure that all admitted retiral dues of the petitioners, if already not paid, are paid to them, latest within two months from today. With regard to revision in terms of the recommendation of the 6th Pay Revision Commission, the same shall be governed by the direction issued by the Court in the aforesaid C.W.J.C. No. 12268 of 2017 and analogous cases.

6. The Court would only indicate that as the matter is being disposed off on the basis of the stand taken by learned counsel for the Nagar Parishad, Madhubani, with regard to payment being made within two months, if the same is not done, the Court shall take



a strict view in the matters against the officers(s) concerned.

7. With regard to the case where the person has continued for some time beyond his date of superannuation, for a few months, the Court, on the principle of them being entitled to salary for the period they have worked and discharged the duties of their office, they shall be entitled to payment of salary. However, notionally their date of superannuation would be from the date they had attained the age of superannuation, but actual payment of pensionary benefits would start after such order was passed by the authorities and between the period of their deemed retirement and the authorities passing order, and during which period the petitioners may have worked, salary shall be paid to them. However, this would be upon proper and due verification by the authorities that the persons have worked on their post and discharged duties of such post. Such payment shall also be made within the aforesaid period of two months.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	

