

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15308 of 2016

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Kalanand Mahto, Son of Late Randevan Mahto, resident of Mohalla - Old Jakkampur, Jagdeo Nagar, Post Office - G.P.O., Patna, P.S. - Jakkampur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar, the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna.
3. The Administrative Officer, Patna Municipal Corporation, Patna.
4. The Chief Executive Officer, Patna Municipal Corporation, Patna.
5. The Executive Officer, Kankarbagh Circle, Patna Municipal Corporation, Patna.
6. The Sectional Officer, Kankarbagh Circle, Patna Municipal Corporation, Patna.
7. The Accounts Incharge, Kankarbagh Circle, Patna Municipal Corporation, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Krishna Bariar, Advocate
For the PMC : Mr. Ranjeet Kumar Pandey, Advocate
For the State : Mr. Abbas Haidar, S.C. 6

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 11-07-2018

Heard learned counsel for the petitioner; State and Patna
Municipal Corporation.

2. The petitioner has moved the Court for the following
reliefs:

*“That this application is being filed for
issuance of a writ/writs, direction/directions, orders/
or in the nature of certiorari as well as mandamus
commanding the respondents to grant following
reliefs to the petitioner.*

*A. The petitioners humbly pray that
respondents may be directed to make payment of all
retiral dues with 12% interest.*

*B. The petitioner humbly pray that
respondents may be directed to make payment of
different of salary from 1997 to 2004 with 12%*



interest.

C. The petitioner also humbly pray that respondents may be directed to issue Arrear of 5th Pay Commission and 6th Pay Commission with 12% interest.

D. The petitioner also humbly pray that respondents may be direction to given benefits of two ACP.

E. The petitioner also humbly pray that respondents may be direction to issue Gratuity amount of 16 months.

F. To grant any other relief /reliefs to the petitioner in the eye of law.”

3. In view of the stand in the counter affidavit filed on behalf of the respondents, it appears that the admitted retiral dues of the petitioner have been paid. However, with regard to grant of A.C.P., the stand is that it has been approved, but payment would be made after the Board approves the same which has still not been done. With regard to A.C.P., the stand is that the same has been approved in the case of the petitioner only in January, 2018 and the benefits would be paid after calculation is made with regard to fixation of salary.

4. Learned counsel for the petitioner submitted that even Group Insurance has not been paid. To this, learned counsel for the Patna Municipal Corporation submitted that the same has to be paid by the Life Insurance Corporation of India and when the Patna Municipal Corporation receives the amount from the Life Insurance Corporation of India, the same is paid to the petitioner.



5. Having regard to the aforesaid, the Patna Municipal Corporation is directed to ensure that the monetary benefits of Group Insurance is paid to the petitioner, if already not done, after sorting out the matter with the Life Insurance Corporation of India latest within two months from the date of production of a copy of this order before respondent no. 4.

6. In view thereof, the writ petition stands disposed off with the observation that the authorities of Patna Municipal Corporation shall ensure that the exercise relating to fixation of pension of the petitioner after grant of A.C.P. be done expeditiously and thereafter whatever payment is required to be made shall also be made to the petitioner without any delay.

(Ahsanuddin Amanullah, J.)

P. Kumar

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