

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.672 of 2017

Imteyazuddin, S/o Abdul Subhan, resident of Mohalla Bauli Mohalla Milat
Nagar Colony, P.S.- Phulwari Sharif, Distt.- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Govt. of Bihar, Urban Development Department.
2. The Patna Municipal Corporation through Municipal Commissioner.
3. The Municipal Finance and Account Controller, Patna Municipal Corporation.
4. The Dy. Municipal Commissioner, Patna Municipal Corporation.

... .. Respondents

with
Civil Writ Jurisdiction Case No. 794 of 2017

Jawahar Lal, Son of late Moti Lal Resident of Mohalla North Mandiri, P.S.
Budha Colony, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Urban Development, Government of Bihar, Patna.
2. The Patna Municipal Corporation, Maurya Lok, Patna through its Municipal Commissioner.
3. The Executive Officer, Patna Municipal Corporation, Patna City, Circle, Patna.
4. The Municipal Finance and Accounts Controller, Patna Municipal Corporation, Patna.

... .. Respondents

Appearance :

(In Civil Writ Jurisdiction Case No. 672 of 2017)

For the Petitioner/s	:	Mr. Ramendra Prasad, Advocate
For the State	:	Prachi Pallani, A.C. to A.G.
For the P.M.C.	:	Archana Palkar Khopde, Advocate
		Mr. Yashraj Bardhan, Advocate

(In Civil Writ Jurisdiction Case No. 794 of 2017)

For the Petitioner/s	:	Mr. Ramendra Prasad
For the State	:	Mr. Indeshwari Prasad, A.C. to G.A.-3
For the P.M.C.	:	Archana Palkar Khopde, Advocate
		Mr. Yashraj Bardhan, Advocate



CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 09-07-2018

Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Patna Municipal Corporation.

2. In the present cases, the admitted position is that both the petitioners are entitled to arrears of salary after the revision of pay in terms of 6th Pay Revision Commission and also the arrears of A.C.P.

3. In both the cases, the Municipal Corporation has not disputed the claim made by the petitioners, but has taken the plea of financial constraint and stated that as and when the fund will be available, the same will be paid to the petitioners.

4. From the record, it appears that other similarly situated persons have been granted the arrears of salary. It also appears that whoever approached this Court are getting the arrears of salary and the persons who failed to approach this Court are being deprived of the arrears of salary. When a person is entitled, then the Municipal Corporation should have paid the amount to the person because either the petitioners are grade III or grade IV employees and it is expected that the higher officials



should ensure the payment to the persons, who are low paid employees.

5. In such view of the matter, this Court directs the Patna Municipal Corporation to pay entire amount of arrears, as has been claimed in the writ petition, to the petitioners within a period of 8 (eight) weeks from the date of receipt/production of a copy of this order.

6. With the aforesaid observations and directions, both the writ petitions are allowed to the aforesaid extent.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	11.07.2018
Transmission Date	N/A.

