

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3948 of 2017

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Prema Devi Mehtrani @ Prema Mehtrani wife of Late Deepak Raut, Resident of Village- I.T.C. Jarbehara, District- Munger at Ward Jamadar, Ward No.14, Nagar Neegam, Munger Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar.
3. The Deputy Secretary-cum-Director Urban Development and Housing Department, Patna, Bihar.
4. The Special Secretary, Urban Development and Housing Development, Govt. of Bihar, Patna.
5. The District Magistrate, Munger, District- Munger.
6. The Municipal Executive Officer, Munger Nagar Parishad.
7. The Treasurer Officer Munger, District- Munger.
8. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Deep Nishi
For the Respondent/s : Mr.Rajiv Roy-Gp1

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-07-2019 The learned counsel for the parties are in agreement that the non- payment of the retiral dues have already been restored.

As far as the pension is concerned, the respondents in their counter affidavit in paragraph no. 10, has stated as follows :-

“ That the statement made in paragraph no. 8 of the instant writ petition with regard to non-payment of pension which is not correct and denied it is under reply that the retiral



benefits such as gratuity, earned leave, differences of pay have already been paid to the writ petitioner. Further with regard to payment of pension according to Bihar Municipal Officers and Servants Pension Rules, 1987 it is clear that the Municipal Employees on roll on the date of confirmation of this Rule and who had subscribed to Contributory Provident Fund under Provident Fund Rules and want to be governed by this Rule shall have the option to do so and such option shall be exercised in writing in the prescribed form (Annexure 1) and submitted to the Head Office within 90 days from the date of framing of this Rule by the State Government. If such option is in writing in prescribed form is not received within the period so fixed it would be deemed that they would retain on the existing contributory fund under the above said petitioner has not submitted such option in Annexure-1 and there is no entry in the service book of this petitioner. In this regard under such situation this matter has been referred to Municipal Board for discussion and decision”.

Having regard to the submissions made in paragraph no. 10 of the counter affidavit filed by the respondent no. 6, the learned counsel for the petitioner seeks liberty to approach the respondent no. 6 and produce the proof regarding the petitioner having opted for the new pension scheme, by filing an appropriate representation within six weeks from today, whereafter the respondent no. 6 shall take appropriate decision upon the same, in accordance with law within a period of eight weeks thereafter.



The present writ petition stands disposed off with
the aforesaid directions.

(Mohit Kumar Shah, J)

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