

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2610 of 2017

In
Miscellaneous Jurisdiction Case No.1792 of 2014

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Kare Lal Yadav, Son of Late Tetar Yadav, Resident of Village - Sotichak, P.O. Kadrachak, P.S. Shambhuganj, District - Banka, presently nominated as Up-Mantri of Bihar Local Bodies Employees Federation Bihar, Patna of Munger Nagar Nigam Unit, Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar, through Dr. S. Sidharth, the Principal Secretary Urban Development and Housing Department, Government of Bihar, Patna.
2. Dr. S. Sidharth, the Principal Secretary Urban Development and Housing Department, Government of Bihar, Patna
3. Sri Ajay Kumar Pandey, the Deputy Secretary-cum-Director, Urban Development and Housing Department, Government of Bihar, Patna
4. Sri Jay Prakash Mandal, the Special Secretary Urban Development and Housing Department, Government of Bihar, Patna
5. Sri Narendra Kumar Singh, the District Magistrate, Munger District Munger.
6. Sri Prabhat Kumar Sinha, the Municipal Executive Officer, Munger Nagar Parishad, Munger.
7. Pratap Bhanu Kumar, the Treasury Officer Munger, District Munger.
8. Sri Sanjay Kumar, the Accountant General, Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate
For the Opposite Party/s : Mr. Yogendra Prasad Sinha - AAG 7

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 20-02-2019

Heard the parties.

The petitioner has filed this application for modification of the order dated 14.07.2017 passed in M.J.C. No. 1792 of 2014, wherein it has been recorded that Municipal Corporation, Muger has paid total amount of Rs. 1,75,98,751/- on 25.04.2016.

Learned counsel for the petitioner submits that only one month pension was paid to the petitioner and thereafter the pension



has been stopped, so the order of this Court requires modification and this Court may give direction for continuous payment of the pension.

MJC No. 1792 of 2014 is arising from the order passed in C.W.J.C. No. 7126 of 2011 (Kare Lal Yadav Vs. The State of Bihar & Ors.) and this Court has passed the order in the main writ petition in the following terms:-

“After having heard the parties and on consideration of the materials available on the record, as also taking into consideration the relevant provision of the Act, as discussed above, both the writ petitions are finally disposed with following directions:

(1) The respondent Corporation and its functionaries shall make a demand/requisition for release of adequate fund with supporting documents before respondent no.2 within a maximum period of one month. The respondent Corporation shall give full details of its obligations towards the employees, working or retired, and reasons as to why those obligations have not been discharged by the Corporation.

(2). On receipt of the aforesaid demand/requisition, the respondent no.2 and all other concerned functionaries of the State Government shall take a final decision in terms of Section 72 of the Act within a maximum period of two months from the date of requisition/demand made by the Corporation. The State Government and its functionaries shall make all endeavours to release the adequate amount of fund, so that admitted dues of the employees are paid within a reasonable period of time.



(3). *The individual employees shall file their separate representations before the Commissioner of Munger Municipal Corporation raising their individual claims with all supporting documents either for payment of arrears of salary or for payment of retiral dues within a maximum period of two months. The claims raised by the different employees shall be considered and decided by the Commission, Munger Municipal Corporation within a maximum period of six months. If on consideration of the materials, the Commissioner of Muger Municipal Corporation comes to a conclusion that their claims are admissible, then he shall further be obliged to issue consequential order for grant of such admissible claim with respect to each employee. If in case the Commissioner, Muger Municipal Corporation comes to a conclusion that the claim raised by individual employee is not admissible, then he shall decide his or her claim by a reasoned and speaking order within the aforesaid period of six months.”*

Basically the relief has been sought in writ petition for payment of salary, that has already been paid. Now, the petitioner is seeking a direction from this Court for payment of pension, for that a writ petition in the form of PIL has already been filled. As in the main writ petition, there was no prayer for payment of pension and this Court specifically has not granted relief with regard to pensionary benefit to the petitioner, save and except to approach the concerned Authority.

In such view of the matter, there is no need to modify the order dated 14.07.2017 passed in M.J.C. No. 1792 of 2014.



The petitioner, if so aggrieved, he may approach before the proper forum for redressal of his grievance.

According, this application is disposed of.

(Shivaji Pandey, J)

Pawan/
S. Katyayan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.02.2019
Transmission Date	

