

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 1314 of 2017

Arising out of

Civil Writ Jurisdiction Case No. 7875 of 2015

Indrajit Prasad Sinha @ Indrajeet Prasad Sinha, Son of Late Arjun Singh
Resident of Village - Tikaitpur, Post - Neora, Police Station - Bihta, District -
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Patna.
2. Sri Jai Singh, the then Municipal Commissioner, Patna Municipal Corporation, Mauryalok Complex, PS Kotwali, District- Patna.
3. Sri. Abhishekh Singh, at Present Municipal Commissioner, Patna Municipal Corporation, Mauryalok Complex, P.S. Kotwali, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate
For the State : Mr. Rakesh Ambastha, AC to AAG 7
For the PMC : Mr. Ranjeet Kumar Pandey, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 13-08-2019

Heard learned counsel for the petitioner; learned AC to
AAG 7 for the State and learned counsel for the Patna Municipal
Corporation (hereinafter referred to as the 'Corporation').

2. The petitioner has moved the Court alleging non-
compliance of the order dated 19.05.2015 passed in CWJC No.
7875 of 2015.

3. Basically, by order of the writ Court, the Corporation
had to take a decision with regard to the departmental proceeding



pending against the petitioner and thereafter, was to be paid his pensionary benefit.

4. In the counter affidavit filed on behalf of the Corporation, the order contained in letter no. 4929 dated 16.04.2019, has been brought on record to indicate that Gratuity, Unutilized Earned Leave and Provident Fund have been found payable to the tune of Rs. 21,10,683/-.

5. Learned counsel for the Corporation submitted that the same has also been paid to the petitioner on 03.05.2019.

6. Learned counsel for the petitioner submitted that he has not been paid subsistence allowance for the period he was under suspension.

7. Upon going through the pleadings, the Court finds that the application has been filed after the superannuation of the petitioner, but he has not raised the grievance in the application that he was not paid the subsistence allowance for the period he was under suspension. Learned counsel for the petitioner further submitted that the amount of gratuity paid is not correct.

8. Be that as it may, in contempt jurisdiction, the Court is not inclined to go into those aspects of there being error in the calculation.



9. In view thereof, the order of the writ Court having been complied with, the application stands disposed off.

10. However, the Corporation shall provide detailed calculation with regard to all payments made to the petitioner, under each head, including Provident Fund, within two weeks from today. Upon receiving the same, it shall be open to the petitioner to make a representation before the Municipal Commissioner of the Corporation with regard to there being any error in the calculation as also not being paid subsistence allowance for the period of suspension. If such an application is filed within three weeks from the date of receiving the calculation chart, the Municipal Commissioner of the Corporation shall look into the matter and get it verified from the records and pass a reasoned order within three weeks from the date of filing of such representation. If anything further is found due and payable to the petitioner, the same shall be paid to him within the next three weeks.

(Ahsanuddin Amanullah, J.)

P. Kumar

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