

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19653 of 2018

Md. Safi Kuraishi S/o Late Abdul Rashid, Secretary of Retired Employee Union, Nagar Parishad Daudnagar, R/o Village- Ward No.15, Daudnagar, P.S.- Daudnagar, District- Aurangabad.

... .. Petitioner

Versus

1. The State Of Bihar through Secretary, Urban Development and Housing Department, Bihar, Patna
2. Municipal Administrator cum Additional Secretary, Urban Development and Housing Department, Bihar, Patna
3. District Magistrate, Aurangabad.
4. Executive Officer, Nagar Parishad Daudnagar, District- Aurangabad.
5. Sub Divisional Officer cum Administrator, Nagar Parishad, Daudnagar, District- Aurangabad.

... .. Respondents

Appearance :

For the Petitioner	:	Mr.Bachan Jee Ojha, Advocate
For the Respondents	:	Mr.Rajiv Roy -GP1
For the Nagar Parishad	:	Mr. A.R. Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-06-2020 Heard learned counsel appearing on behalf of the petitioner; learned counsel appearing on behalf of the State as well as learned counsel for the respondent-Nagar Parishad Daudnagar.

The petitioner has prayed for the following reliefs:-

“(i) For issuance of an appropriate writ in the nature of mandamus directing the respondent authorities to pay the pension of retired Nagar-Parishad Employees according to sixth Pay Commission and not according to 5th Pay Commission because in the light of letter dated 1.1.2006, issued by department the working employees of Nagar Parishad are being paid their salary since 1.1.06 according to the Sixth Pay



Commission but retired employees are being deprived.

(ii) For issuance of an appropriate writ in the nature of mandamus directing the respondent authorities to pay the differences of pension according to sixth Pay Commission and 5th Pay Commission since 1.1.2006 with proper interest to all the retired employees of Nagar Parishad Daudnagar.

(iii) To grant any other relief/reliefs to which the petitioner may be found entitled to in the facts and circumstances of the case.”

The only dispute required to be decided in the present case is with regard to payment of difference of pension as per 6th Pay Revision Commission.

Learned counsel appearing on behalf of the petitioner has referred to paragraph 5 of the counter affidavit filed on behalf of the Nagar Parishad Daudnagar which is quoted hereinbelow for ready reference:-

“5. That in reply to the relief claimed in para-1 of the writ petition it is being humbly submitted that the state government has approved 5th and 6th pay revision scale to the employees working in the municipalities in the state of Bihar. It is submitted that even benefit the pay scale in terms of 6th pay revision committee report, as such all the employees including the retired employees are being paid in terms of 6th pay revision committee report.”

Learned counsel for the respondent-Nagar Parishad Daudnagar submits that the entire arrears of pension in terms of sixth Pay Commission may be paid at the earliest.



Considering the stand of respondent-Nagar Parishad Daudnagar in the counter affidavit, the writ petition is disposed of and respondent nos. 4 and 5 are directed to pay the entire arrears of pension in terms of Sixth Pay Revision Commission, if not already paid, within a period of six months from the date of receipt/production of a copy of this order.

With the aforesaid, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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