

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16762 of 2017

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Lakshminiya Devi Wife of Jhagru Ram, Residet of Village- Bari Tola, Buxar,
Police Station- Nagar, Parisad Buxar, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Principal Secretary, Urban Development Department, Government of Bihar, Patna.
4. The District Magistrate, Buxar.
5. The Deputy Development Commissioner, Buxar.
6. The Chairman, Nagar Parishad, Buxar.
7. The Chief Executive Officer, Nagar Parishad Buxar.
8. The Regional Provident Fund Officer, Employees Provident Fund Organisation, R-Block, Road No. 6, Pa
9. The Assistant Provident Fund Officer, Employees Provident Fund Organisation, R-Block, Road No.-6, P

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Jagdish Prasad, Advocate
For the State	:	Mr.Subhash Pd. Singh-GA-3
For EPF	:	Mr. Prashant Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 29-05-2020 Heard learned counsel for the petitioner and the respondents.

The petitioner retired as Safai Karamchari of Nagar Parishad, Buxar on 29.02.2004. Unfortunately, the petitioner was not paid Provident Fund amount as yet. Initially the pension was paid to the petitioner but later on she was denied pension in the name of paucity of fund.

Pension is not a bounty. It is statutory right of the



employee and the Nagar Parishad, Buxar being extended arm of the State is under obligation to ensure payment of post retiral dues in the nature of pension and Provident Fund. Paucity of fund is no ground to deny pension and Provident Fund. Being a welfare State the State of Bihar is spending huge amount on social security. In the 21st Century when focus is to provide social security to the major population, depriving the most vulnerable class like petitioner the benefit of pension and pensionary benefits in the name of financial constraints is unsustainable.

In the counter affidavit stand of the Nagar Parishad, Buxar is that family pension is not admitted in the Nagar Parishad. Nagar Parishad is required to augment their resources and work out mechanism for payment of pension/family pension to all its employees.

The Court in the facts of the case is constrained to direct the respondent-Deputy Development Commissioner, Buxar and the Chairman, Nagar Parishad, Buxar to ensure payment of pension and Provident Fund to the petitioner. The State Government, in the department of Urban Development is also under obligation to take care that appropriate fund is allocated towards payment of post retiral dues and provident



fund so that the retired employee of Nagar Parishad, Buxar may not suffer for non-payment of pension and Provident Fund. Entire exercise in this regard by all concerned, must be completed within a period of two months from the date of receipt/production of a copy of this order failing which the Deputy Development Commissioner and the Chairman of the Nagar Parishad, Buxar shall not receive their salary/allowance until payment of pension and provident fund is made to the petitioner.

With the aforesaid, the writ petition stands allowed.

(Anil Kumar Upadhyay, J)

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