

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2840 of 2020

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Madan Lal Son of late Taregan Ram, Resident of Mohalla- Sawarchak Hata,
Malsalami, Patna City, Police Station-Malsalami, District- Patna.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The Patna Municipal Corporation through the Commissioner,
3. The Commissioner, Patna Municipal Corporation, Patna.
4. The Executive Officer, Patna City Circle, Patna Municipal Corporation, Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr.Rakesh Kumar Chandram, Advocate
For the Respondent-State:		Mr.Kinkar Kumar, SC-9
For the PMC	:	Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 01-07-2020

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for Patna Municipal Corporation via video conferencing.

2. The prayer of the petitioner, in the present writ petition, is to direct the respondents to dispose of his representation dated 28.12.2019 by a reasoned order and to direct them to pay the admissible retirement benefits.

3. It would be evident from the application that the petitioner retired from the post of Electric Mechanic from Patna City Municipal Corporation on 30.09.2018. After



retirement, he received payments under the head gratuity, leave encashment and dearness allowance for the period 01.07.1991 to 30.06.1993. The part amount of provident fund has also been paid to him. His contention is that during service period, he has been granted 1st and 2nd ACPs. His further contention is that the Patna Municipal Corporation has adopted 6th and 7th revised pay-scale of the State of Bihar as a result of which his pay-scale was also revised and he is entitled for difference of salary, but the accrued arrears of difference of salary has not been paid to him till date.

4. In sum and substance, the claim of the petitioner is that he is entitled for (a) payment of remaining due amount of provident fund, (b) difference accrued due to grant of 1st ACP, (c) difference accrued due to grant of 2nd ACP, (d) difference accrued due to fixation of 6th and 7th revised pay-scale since 01.04.2007 and 01.04.2017 and (f) difference of dearness allowance for the period 01.07.2010 to 31.03.2018.

5. In this regard, though the petitioner claims to have filed a representation before the Commissioner, Patna Municipal Corporation, Patna on 28.12.2019, no action has been taken on his representation.

6. Considering the nature of prayer made in the



writ application, it is disposed of with a direction to the petitioner to raise his grievance before the Commissioner, Patna Municipal Corporation, Patna afresh by way of representation. In case such a representation is filed, the respondent no. 3 shall be required to consider his claim and dispose of his representation by a reasoned order within two months thereafter. In case, it is found that the claim of the petitioner is admissible, the payment must be made within three months from the date of disposal of the representation.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.07.2020
Transmission Date	

