

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5353 of 2020

Prameshwar Ram @ Parmeshwar Ram Son of Late Kunti Ram, Resident of Village-Private Bus Stand Ward No. 07, P.O. and P.S. and District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The Nagar Parishad Madhubani through its Executive Officer, Madhubani, District-Madhubani.
3. The Executive Officer, Nagar Parishad Madhubani, District-Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar Jha
For the Respondent/s : Mr.Subhash Pd. Singh (Ga3)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 25-06-2020 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ application relates to payment of arrears of Vth and Vith pay revision including fixation of pension under revised pay with statutory interest.

Earlier the petitioner has approached this Court in C.W.J.C. No. 9260 of 2017 which was disposed of on 31.7.2017. The order of the writ court was not complied with and as such the petitioner filed MJC No. 3337 of 2017 which



was disposed of on 17.7.2019 observing that no case of contempt is made out.

The stand taken by the Executive Officer, Nagar Parishad, Madhubani in para-6 of the MJC is quoted below:-

“Learned counsel appearing for opposite party, Executive Officer, Nagar Parishad, Madhubani has submitted that it is not a case of either willful or deliberate non-compliance of the order passed by this Court. The order passed by this Court has been fully complied with. The delay of few months occurred due to non-available of fund for which the deponent has tendered unqualified and unconditional apology. He submitted that revised arrears on the basis of 5th and 6th pay revision has been allowed by the State Government recently on 27.12.2017. The payment as per revised arrears would also be considered and made soon after the fund is received from the State Government.”

Learned counsel appearing on behalf of the petitioner submits that respondents have not paid the benefit in terms of 5th and 6th pay revision, although, the pay revision was allowed by the State Government on 27.12.2017 itself.

Considering the aforesaid, the writ petition is disposed of with a direction to the Executive Officer, Nagar Parishad, Madhubani to ensure payment of balance amount of the petitioner in terms of 5th and 6th pay revision, if not already paid, within a period of four months, failing which the petitioner shall



be entitled to payment of interest @ 9% from the date of retirement of the petitioner till the date of actual payment.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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