

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10050 of 2019**

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Maruf @ Mahammad Maruf @ Maruf Mian, S/o Jhariman Mian, resident of  
Village- Hajiyapur, Ward No. 27, P.S.- Gopalganj, Distt.- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Urban Development and Housing,  
Govt. of Bihar, Patna
3. The Under Secretary, Department of Urban Development and Housing,  
Govt. of Bihar, Patna
4. The Collector cum District Magistrate, Gopalganj
5. The Nagar Paarishad Gopalganj, Distt.- Gopalganj, through its Executive  
Officer
6. The Executive Officer, Nagar Parishad, Gopalganj, Distt.- Gopalganj

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5  
For the Respondent/s : Mr.Kinkar Kumar (Sc9)

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      16-06-2020                      Heard learned counsel for the petitioner and the  
respondents.

The petitioner has filed the present writ application  
for issuance of an appropriate Writ, in the nature of mandamus  
commanding the respondent Authorities to fix and sanction the  
pension and other admissible post retiral dues of the Petitioner  
and further to pay interest with effect from the date of  
superannuation of the Petitioner (31.12.2015)

Counsel appearing on behalf of Nagar Parishad,  
Gopalganj submits that the petitioner is not entitled to pension



under 1987 Rules, as the petitioner has not specifically opted for pension under 1987 Pension Rules and, as such, the petitioner is not entitled to pension.

The aforesaid issue is no more res-integra. The Apex Court has occasion to decide such issue in the case of **Sanichari Devi & Ors. Vs. Ara Municipal Corporation & Ors. [2015(1) PLJR (SC) 370]**.

Considering the judgment of the Apex Court in the **Sanichari Devi & Ors.** (supra), the writ application is allowed. The respondents are directed to forthwith pay the pension of the petitioner and ensure payment of all retiral dues within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands allowed and disposed of.

**(Anil Kumar Upadhyay, J)**

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