

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4534 of 2018

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Haider Imam Son of Late Basi Imam, resident of Mohalla- Balkhushanganj
Ghera, P.S. Alamganj, Patna- 800 007.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Urban Development, Government of Bihar.
2. The Municipal Commissioner, Patna Municipal Corporation, 3rd Floor Maurya Lok Complex, Patna.
3. The Executive Officer, Patna City Circle, Patna Municipal Corporation, Patna.
4. The Municipal Finance and Accounts Controller, Patna Municipal Corporation, Patna.
5. The Accountant General, Bihar and Jharkhand, Bir Chand Patel Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Syed Qaisar Hasan, Advocate
For the PMC	:	Mr. Prabhakar Singh, Advocate
For the Accountant General :		Mr. Ram Kinker Chaubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 24-08-2020

Heard learned counsel for the petitioner and learned counsel for the respondents through video conference.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition-

“(i) A writ in the nature of mandamus or any other writ, order or orders directing the respondents to pay Gratuity, Leave encashment and Group Insurance;

(ii) A writ in the nature of mandamus or any other writ, order or orders directing the respondents to pay the difference of Dearness Allowance (DA) for the period of 01.07.1991 to 30.06.1993 and for the period of 01.07.2010 to 31.01.2017;



- (iii) A writ in the nature of mandamus or any other writ, order or orders directing the respondents to pay the arrears of pay revision including D.A. and medicinal allowance for the period of 01.11.2004 to 31.08.2008;*
- iv) A writ in the nature of mandamus or any other writ, order or orders directing the respondents to pay arrears of difference of salary after Pay Revision for the period of 01.11.2004 to 31.05.2011;*
- v) A writ in the nature of mandamus or any other writ, order or orders directing the respondents to pay arrears of difference of salary after pay revision for the period of 01.02.2007 to 31.03.2010 amounting to Rs. 01,17,974/- and difference of salary of such pay revision for the period 01.04.2010 to 31.05.2011 amounting to Rs. 81,669/-;*
- vi) A writ in the nature of mandamus or any other writ, order or orders to which the petitioner is entitled as well as interest on the delayed payment."*

3. Learned counsel for the petitioner submits that the petitioner was initially appointed on compassionate basis on a temporary post of Sanitary Supervisor by office memo no. 450 dated 12.03.1985 and thereafter his services were regularized on the permanent post of Sanitary Supervisor by memo no. 251 dated 29.04.1991. The petitioner retired from the said post on 30.06.2017 after discharging his duties properly during his tenure. It is submitted that various amounts by way of retiral benefits have not been paid and for which the petitioner has filed representations dated 23.08.2017 and 17.01.2018 (Annexure-4) before the authorities.

4. Having regard to the nature of grievance of the petitioner, this Court is of the view that without going into the detailed merits of the matter, it will suffice at this stage if the Municipal



Commissioner, Patna Municipal Corporation, Patna (respondent no. 2) is directed to consider and dispose of the petitioner's representation dated 17.01.2018 (Annexure-4), if still pending, on its own merits in accordance with law after grant of an opportunity of hearing to the petitioner ensuring payment to the extent found due to the petitioner, within a period of eight weeks from today. In case the petitioner's claim is found inadmissible, whether in whole or in part, the petitioner's representation shall be disposed of by a speaking order in that regard. To enable the same, the petitioner shall furnish his mobile number and e-mail ID to the respondent no. 2 within a week from today.

5. It is also made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through email and that the concerned authority shall be at liberty to hear the petitioner through video conference.

6. The writ petition stands disposed of with the aforesaid directions.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	26.08.2020
Transmission Date	-

