

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Civil Writ Jurisdiction Case No.12015 of 2019**

1. Prabha Devi W/o Late Kamta Ram, resident of Mohalla- Ambedkar Colony, Digha Post Office Road, P.O.- Digha Ghat, P.S.- Digha, District- Patna.
2. Puniya Devi, W/o Late Lal Babu, resident of Mohalla- Ramjee Chak, Near Petrol Pump, P.O.- Bataganj, P.S.- Danapur, District- Patna.
3. Rajendra Prasad Late Janak Mahto, resident of Mohalla- Nasriganj, Beltal, P.O.- Bataganj, P.S.- Danapur, District- Patna.
4. Suresh Prasad Singh, S/o Late Vrinda Prasad Singh, resident of Mohalla- Nariyal Ghat, P.O.- Bataganj, P.S.- Danapur, District- Patna.
5. Manju Devi, S/o Late Ramesh Ram, Resident of Mohalla- Gora Bazar, Pani Tanki, Danapur, P.O.- Danapur Cant, P.S.- Danapur, District- Patna.
6. Shakali Devi, S/o Late Jamuna Ram, resident of Mohalla- Gora Bazar, Pani Tanki, Danapur, P.O.- Danapur Cant, P.S. Danapur, District- Patna.
7. Bindiya Devi, S/o Late Sita Ram, resident of Mohalla- Bibiganj, P.O.- Danapur Cant, P.S.- Danapur, District- Patna.
8. Sheela Devi, S/o Late Rajendra Ram, resident of Mohalla- Bibiganj, Tari Godam Pachuchak, P.O.- Danapur Cant, P.S.- Danapur, District- Patna.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
3. The Director-cum-Dy. Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
4. The Joint Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
5. Nagar Parishad, Danapur Nizamat, Danapur, Patna, represented through its Municipal Executive Officer, Nagar Parishad, Danapur Nizamat, Danapur, Patna.
6. The Municipal Executive Officer, Nagar Parishad, Danapur Nizamat, Danapur, Patna.
7. The Municipal Chairperson, Nagar Parishad, Danapur Nizamat, Danapur, Patna.
8. The Empowered Standing Committee, Nagar Parishad, Danapur Nizamat, Danapur, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Shri Prakash Srivastava, Advocate
For the Respondent/s : Mr.Abbas Haider (Sc6)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD



ORAL ORDER

2 16-06-2020 Heard learned counsel for the petitioners and learned counsel representing the State.

This Court has been informed that although the link has been sent to learned counsel Mr. Ajatshatru for and on behalf of the Nagar Parishad, Danapur, Nizamat, however, learned counsel has not joined the proceeding.

Learned counsel for the petitioners submits that in the nature of the prayer being made on behalf of the petitioners, this writ application may be disposed of with a direction to the Executive Officer of the Nagar Parishad, Danapur, to examine the case of the petitioners in the light of the various orders passed by learned co-ordinate Bench of this Court during last two years, copies of some of the orders have been brought on record as Annexure 'P/3'. The last order being that of 16.04.2019 passed in C.W.J.C. No. 7736 of 2019.

Learned counsel submits that till date the petitioners have not been paid a single penny on account of the post retiral dues and even though their cases are similar to the petitioners in whose cases the orders as contained in Annexure 'P/3' and Annexure 'P/4' have been passed, the case of the petitioners are not being considered in the light of Bihar Litigation Policy.

Learned counsel submits that he is looking for



consideration of the cases of these petitioners in the light of the litigation policy of the State and whatever benefits are found payable to the petitioners they should be paid the same within a reasonable time. It is submitted that the petitioners are poor persons and at the evening of their life they are deprived of their lawful dues.

Learned counsel for the State submits that although these are the matters which are to be considered by the Executive Officer, Nagar Parishad, Danapur, Nizamat, but there cannot be any denial that the Executive Officer is obliged to follow the Bihar Litigation Policy.

Having heard learned counsel for the petitioners and learned counsel for the State, without going into examining the case of the petitioners and comparing the same with the others in whose case orders have been passed by learned co-ordinate Bench of this Court, this Court thinks it just and proper, at this stage, to direct the Executive Officer, Nagar Parishad, Danapur, Nizamat, (respondent no. 6) to look into the grievance of the petitioners, examine the same keeping in view the judgments of this Court as contained in Annexure 'P/3' and 'P/4' and take an appropriate view of the matter in the light of the Bihar Litigation Policy as contained in Annexure 'P/2' to



the present application. The entire exercise must be completed within a period of two months from the date of receipt/production of a copy of this order.

Upon consideration, in case the petitioners are found entitled for any admitted amount, the same must be paid within further time of one month.

In case any of these petitioners or any claim and part thereof is not found either entitled to or payable, as the case may be, the respondent no. '6' shall be obliged to convey the reasons therefor to the affected persons/petitioners within the aforesaid period.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

