

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21327 of 2019

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Ajay Kumar Ambastha Son of Late Achutanand Prasad Sinha, Resident of
Argana Road, Betwan Bazar, P.S. Kasim Bazar, District-Munger.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Urban Development
Department, Government of Bihar, Patna.
2. The District Magistrate, Munger.
3. The Deputy Development Commissioner, Munger.
4. The Municipal Commissioner, Munger Municipal Corporation, Munger.
5. The Chairman, Munger Municipal Corporation, Munger.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Karuna Nath Sahay, Advocate
For the Respondent-State: Mr.Abbas Haider, SC-6

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGEMENT

Date : 26.11.2020

Heard learned counsel for the petitioner and learned
counsel for the State via video conferencing.

2. The petitioner was appointed on 04.12.1976
in Munger Nagar Parishad (now Munger Municipal
Corporation). He retired from service on attaining the age of
superannuation on 31.12.2018 from the post of Assistant,
Munger Municipal Corporation. He has made the following
prayers in the instant writ petition:-

“ That this writ application is being filed
on behalf of the petitioner for issuance of writ or
writs/order or, orders/direction or, directions, in



the nature of writ of Mandamus directing the respondents specially respondent nos. 4 and 5 to pay the retiral dues including the pension and other admitted due with statutory interest to the petitioner which are as follows:-

- I. Payment of arrear of pension as per sixth pay revision from the date of retirement.
- II. Payment of pension
- III. Amount of CPF with interest
- IV. Amount of Gratuity
- V. Amount of Unutilized leave
- VI. Difference of amount of pay from 1983 to 1989 as per third pay revision and different of amount of pay as per IVth, Vth and VIth pay revision.
- VII. Amount of final bill against the departmental work executed by the petitioner as departmental agency.”

3. Considering the nature of the claims made by the petitioner, the writ petition is disposed of with a direction to him to file a representation in respect of his claims before the Municipal Commissioner, Munger within four weeks from today.

4. In case, such a representation is filed, the Municipal Commissioner, Munger Municipal Corporation, Munger shall be required to consider the same and dispose it of



by a speaking order within two months.

5. In case, the claims of the petitioner are found admissible, he shall be required to ensure payment of admissible amount within one month thereafter.

6. In case any claim of the petitioner is rejected, the reason for the same should be communicated to him forthwith by registered post on his present address.

7. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present judgment:-

- I. The judgment, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Sr. Secretary.
- II. The corrected copy of the judgment shall be transmitted by me from my e-mail id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- III. Hard copy of the judgment duly signed by me



shall be preserved in my residential office for documentation and future use, if any.

IV. Let steps be taken by the Sr. Secretary/registry for up-loading of the present judgment without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.12.2020
Transmission Date	NA

