

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6425 of 2020

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Nasib Ram S/o of Late Ram Ishwar Residents of Mohalla Beur, P.O., G.P.O.,
P.S.-Beur, District Patna.

... .. Petitioner/s

Versus

1. The Patna Municipal Corporation through its Municipal Commissioner, Budh Marg, Patna-1.
2. The Commissioner Patna Municipal Corporation Budh Marg, Patna.
3. The Executive Officer, Nutan Rajdhani Anchal Corporation, Budh Marg Patna.
4. The Finance and accountant Controller Patna Municipal Corporation, Budh Marg, Patna-1.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Respondent/s : Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 28-09-2021 The present writ application has been filed for payment of death- cum- retirement dues of the father of the petitioner, who died in harness on 03.03.2015. The petitioner is the son of the deceased employee.

A counter affidavit has been filed on behalf of the respondent-Patna Municipal Corporation and in paragraphs- 4 & 5 of the counter affidavit following statement has been made:-

4. That is is stated that the superannuation-cum-death benefits of the petitioner's father namely Late Ram Ishwar has been determined and calculated vide Office Orders contained in Letter No. 2711, dt.



23.07.2021 as well as vide Letter No. 2814, dt. 02.08.2021 issued by the Executive Officer, New Capital Circle, Patna and the payable amount are as follows:

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|-----|--|----------------|
| (a) | Gratuity | Rs. 2,63,520/- |
| (b) | Leave Encashment | Rs. 2,19,600/- |
| (c) | Dearness Allowance from 01.07.1991 to 30.06.1993 | Rs. 2,460/- |
| (d) | Payment of Differential Amount from 01.04.1997 to 31.10.2004 | Rs. 1,11,012/- |
| (e) | Dearness Allowance From 01.07.1993 to 31.10.2004 | Rs. 26,861/- |

5. That it is stated that a total of Rs. One Lac Thirty Seven Thousand and Eight Hundred Seventy Three Only and further Rs. Four Lacs Eighty Five Thousand Five Hundred Eighty Only have been sanctioned to be paid vide contained in Letter No. 2711, dt. 23.07.2021 as well as vide Letter No. 2814, dt. 02.08.2021 respectively.”

Learned counsel for the P.M.C. submits that amount payable towards death-cum-retirement benefit has been sanctioned and the same will be paid after allotment of fund.

Having heard learned counsel for the parties and taking into consideration the statement made in the counter affidavit filed by the respondent / Patna Municipal Corporation,



the respondents are directed to pay the sanctioned amount to the petitioner within a period of three months from the date of receipt / production of a copy of this order.

With the aforesaid observation and direction, the present writ application is disposed of.

(Anil Kumar Sinha, J)

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