

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23607 of 2018

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Sushila Sinha W/o Late Mahesh Prasad Resident of Moh Bagmati,P.S.
Hajipur,Dist.Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary,Urban Development and Housing Department Govt. of Bihar,Patna
2. The Deputy Director, Urban Development and Housing Department Govt. of Bihar,Patna
3. The District Magistrate, Vaishali,Hajipur
4. The Nagar Executive Officer, Nagar Parishad,Hajipur,Dist.-Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Vasant Vikas, Mr. Mirtunjay Kumar, Mr. Manish Chandra Gandhi, Advocates.
For the State	:	Mr. Syed Hussain Majeed, AC to SC-6
For Respondent No. 4	:	Mr. Kumar Manish, Adv. Mr. Ankit Katriar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

12 23-11-2021 Heard Mr. Vasant Vikas, learned counsel for the petitioner, Mr. Kumar Manish, learned counsel appearing for Nagar Parishad, Hajipur and Mr. Syed Hussain Majeed, learned AC to SC-6 for the State.

2. Petitioner has filed the present writ application challenging Annexure-6, which is a Letter dated 27.03.2018 issued by Nagar Executive Officer, Nagar Parishad, Hajipur, District-Vaishali denying the benefits arising out of 5th and 6th pay revision to the petitioner on the ground that he has retired on 31.01.2012 and the pay revision has been introduced with effect from 01.06.2017 by the Nagar Parishad.



3. Learned counsel for the petitioner submits that the petitioner retired from the post of *Sahayak* on 31.01.2012. He further submits that by Annexure-2 dated 13.04.2017 bearing Memo No. 2723 issued by Principal Secretary, Urban Development and Housing Department Govt. of Bihar, Patna, a resolution has been taken by the State Government in the Urban Development Department by which the employees of local Nagar Nikay and Nagar Parishad were given benefits of 5th pay revision with effect from 01.01.1996 and monetary benefits with effect from 01.04.1997 and benefits of 6th pay revision with effect from 01.01.2006 and monetary benefit w.e.f. 01.04.2007.

4. Learned counsel further submits that admittedly, the petitioner retired in 2012 and the Respondents/Nagar Parishad, Hajipur granted benefits arising out of 5th and 6th pay revision to the employees working in Nagar Parishad by Annexure-4 w.e.f. 01.04.1997 and 01.04.2007 but the same has been denied to the petitioner merely on the ground that petitioner had retired in 2012 i.e., prior to the resolution taken by the State Government. He also submits that the denial of benefits of the pay revision by the Respondent/Nagar Parishad to the petitioner merely on the basis of the fact that the petitioner has retired, is completely discriminatory and arbitrary.



5. On the other hand, learned counsel appearing for Nagar Parishad submits that the resolution of the Urban Development and Housing Department Govt. of Bihar, Patna was adopted by Nagar Parishad, Hajipur w.e.f 01.06.2017 and since the petitioner got retired in the year 2012, she is not entitled to be given the benefits arising out of sixth pay revision, however, benefits towards 5th pay revision has been given to the petitioner from November 2011.

6. Learned counsel for the State submits that the resolution regarding pay revision which has been taken by the State Government is applicable to all the local bodies and Nagar Parishads etc., and the cut off date fixed therein is binding upon all the local bodies i.e., Nagar Parishad, Nagar Nikay for grant of benefits to its employees and the petitioner is entitled to be given benefits in terms of resolution of the State Government. He next submits that the financial burden on account of pay revision is to be borne by the concerned Nagar Parishad and Nagar Nikay and other local bodies.

7. I have heard learned counsel for the parties and gone through the materials on record. From perusal of the Annexure-2, it appears that the Urban Development and Housing Department Govt. of Bihar, Patna had constituted an



internal pay committee on 16.01.2010 for the purpose of revision of pay scale of employees working in the local bodies and Nagar Parishads and upon deliberation, the State Government came out with a resolution dated 13.04.2017 (Annexure-2) whereby all the employees of the local bodies, Nagar Parishad has been granted the benefits of 5th and 6th pay revision in line with the Government employees to be made effective from 01.01.1996 and 01.04.1997 respectively with the condition that the pay revision will be given from the date of 01.01.1996 to 01.01.2006 respectively and the actual financial benefits will be given w.e.f. 01.04.1997 for 5th pay revision and w.e.f. 01.04.2007 for 6th pay revision.

8. Admittedly, the petitioner has retired in the year 2012 and as per resolution of the State Government dated 13.04.2007 5th pay revision and 6th pay revision has been allowed for the employees of Nagar Nikay and Nagar Parishad w.e.f. 01.01.1996 and 01.01.2006 with actual financial benefits w.e.f. 01.04.1997 for 5th pay revision and 01.04.2007 for 6th pay revision. The petitioner was in service on the date, the pay revision and actual benefits arising thereof, has been allowed.

9. Learned counsel for the Respondent/Nagar Parishad, Hajipur did not produce any statutory provision which



entitles the Nagar Parishad to deviate from the decision/resolution taken by the State Government in this regard.

10. Accordingly, in my considered opinion, Respondent/Nagar Parishad, Hajipur cannot be permitted to differ with the cut off date fixed by the State Government granting pay revision and financial benefits to the employees of Nagar Nikay and Nagar Parishad. The resolution of the State Government with regard to pay revision is binding upon Nagar Parishad, Hajipur.

11. I am also of the opinion that the action of Respondent No.4 in not granting financial benefits to the petitioner arising out of 5th pay revision and 6th pay revision is discriminatory inasmuch as from perusal of Annexure-4, it is evident that the benefits arising out of pay revision has been granted to the working employees w.e.f. cut off date fixed by the State Government but the same is being denied to the petitioner merely on the ground that the petitioner has retired.

12. In view of the aforesaid discussions, I direct the Respondent No.4, Nagar Executive Officer, Nagar Parishad, Hajipur, District-Vaishali to pay financial benefits arising out of 5th and 6th pay revision to the petitioner effective from



01.04.1997 and 01.04.2007 positively in accordance with resolution of the State Government within a period of three months from the date of receipt/production of the a copy of this order.

13. Accordingly, the present writ application stands allowed and Letter dated 27.03.2018 (Annexure-6) is quashed.

14. Needless to say that the Respondents/authorities can adjust the amount which, according to them, they have paid to the petitioner towards 5th pay revision with effect from November 2011.

(Anil Kumar Sinha, J)

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