

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4772 of 2017

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Rajeshwar Prasad S/o Late Vishwanath Prasad, Resident of Mohalla-
Premganj, Ward No.- 7, P.O. and P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Nagar Vikash and Awas Department, Government of Bihar, Patna
2. The Principal Secretary, Nagar Vikash and Awas Department, Government of Bihar, Patna.
3. The District Magistrate, Vaishali at Hajipur.
4. The Executive Officer, Nagar Panchayat, Lalganj, Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Satya Prakash Sinha, Advocate
For the S t a t e	:	Mr.Arun Kumar, A.C. to G.P.-1
For the Nagar Panchayat:		Mr. S.P. Tripathi, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 13-01-2021 Heard learned counsel for the petitioner and learned
counsel for the State as well as learned counsel appearing for
the Nagar Panchayat.

Based on a decision of the Empowered Standing
Committee dated 09.03.2016, the petitioner has claimed grant of
pensionary benefits under a representation dated 02.02.2017
(Annexure 4/1).

Learned counsel representing the Nagar Panchayat
submits that since he has accepted the dues payable to him
under the contributory pension scheme, he cannot be permitted
to make any further claim.



Whether the Empowered Standing Committee has vested any right in the petitioner to the claim of pensionary benefits is required to be considered by the respondent-authorities when the petitioner has approached the authorities by representation. This Court therefore would not express any opinion on the rival submissions. It is only if there is a reasoned and speaking order in respect of the same that the decision can be subjected to judicial review.

The Executive Officer, Nagar Panchayat, Lalganj, Vaishali at Hajipur (Respondent No.4) is directed to dispose of the claim of the petitioner (Annexure 4/1) within a period of four weeks from the date of receipt/production of a copy of this order by a reasoned and speaking order, in accordance with law.

The writ application stands disposed of.

(Madhuresh Prasad, J)

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