

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21789 of 2018

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Rajkumari Devi W/o Late Bipin Bihari Biswas Resident of Durga Asthan,
Rajendra Gram, P.S. and District- Katihar. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Urban Development and Housing Department, Bihar, Patna.
2. The Deputy Secretary-Cum-Director, Urban Development and Housing Department, Bihar, Patna.
3. The Municipal Commissioner, Katihar Nagar Nigam, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kunwar Ajeet Singh, Advocate Mr. Sanjeev kumar Singh, Advocate
For the Respondent/s	:	Mr. Dilip Kumar, (AC to GA 3) Mr. Subhash Pd. Singh, (GA3)
For the Katihar M.C.	:	Mr. Satya Prakash Tripathy, Advocate Mr. Satya Vrat, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 17-11-2022

Heard Mr. Kunwar Ajeet Singh, learned counsel appearing on behalf of the petitioner, Mr. Satya Prakash Tripathy, on behalf of the Katihar Municipal Corporation and Mr. Dilip Kumar, learned AC to GA 3.

By filing the present writ application, the petitioner seeks direction upon the respondent Municipal Corporation to grant pension and other legal dues to the petitioner, who had superannuated way back in the year 2009. It is submitted that the petitioner was superannuated on 30.09.2009 from the post of 'Sanitary Inspector' in Katihar Municipal Corporation and there had never been any complaint or charges against the petitioner during his entire service career. He further submits that after his retirement, he was paid gratuity, Leave Encashment and Provident



Fund but, in spite of his repeated request, he has not been granted pension and the benefit of 6th Pay Revision, which necessitated him to approach this Hon'ble Court.

It is further contended that earlier the benefit of pension was not available to the employees of Municipal Corporation, however, after coming into force of "Municipal Officers and Employees Pension Rule, 1987", the benefit has been extended to the employees of the Corporation, but as the Katihar Municipal Corporation did not adopt the said rule, rather it was adopted first time in the year 2009, the authority has decided that the pension scheme will be applicable w.e.f. 01.04.2009 to the employees of Katihar Municipal Corporation. He further submitted that after enforcement of the pension scheme, the petitioner filed application before the Executive Officer, Katihar Municipal Corporation, but the same has never been considered and no Order has been passed.

Though earlier, time was granted to the respondent Municipal Corporation but till date, no counter affidavit has been filed.

Considering the prayer made on behalf of the petitioner, who superannuated way back in the year 2009, itself this writ application is disposed of, with a direction to the Municipal Commissioner, Katihar Nagar Nigam to consider the case of the



petitioner for his grievance to the extent of pension and any further admissible dues, if not paid.

It is made clear that if any representation is filed by the petitioner within a period of four weeks, from today, the respondent no. 3 shall consider the same and pass reasoned and speaking Order preferably within a further period of six weeks.

Accordingly, the present writ application stands disposed of, with the aforesaid observation and direction.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.11.2022.
Transmission Date	NA

