

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10982 of 2019

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Anita Devi Wife of Late Dinanath Ram, Resident of Village/Mohalla-
Bhanwar Pokhar, P.O.- Bankipore, Police Station- Pirbahore, District- Patna.

... .. Petitioner/s

Versus

1. The Chairman, Patna Municipal Corporation, Patna.
2. The Chief Executive Officer, Patna Municipal Corporation, Patna.
3. The Chief Account Officer, Patna Municipal Corporation, Patna.
4. The Executive Officer, Nutan Rajdhani Anchal, Patna Municipal Corporation, Patna.
5. The Vigilance Officer, Patna Municipal Corporation, Patna.
6. Account Officer, Account Section, Nutan Rajdhani Anchal, Patna Municipal Corporation.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Singh, Advocate
For the Respondent/s	:	Mr.Prasoon Sinha, Advocate
For P.M.C.	:	Ms. Archana Palkar Khopde, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-10-2022 Though the present writ petition has been filed for grant of arrears of pension of the husband of the widow petitioner for the period 01.04.2010 to 31.03.2017, however, the respondent- Patna Municipal Corporation, Patna has filed a counter affidavit, wherein it has been stated that since the husband of the petitioner had not given any option for pension within the stipulated time, he is not entitled for pension for the period 01.04.2010 to 31.03.2017. Nonetheless, it is submitted that on account of a decision having been taken by the Empowered Standing Committee, in its 35th General Meeting, to grant family pension to the families of the employees, a decision has been taken to pay family pension to the petitioner w.e.f. 13.11.2019



@ 9,000/- per annum, whereupon an amount of Rs. 1,56,808/- has also been transferred in the account of the petitioner. It is also submitted by referring to ***Rule 4 of the Patna Municipal Corporation Officers and Servants Pension Rules, 1986*** that only those employees who give option for grant of pension, at the time of their retirement, are entitled to pension, however, since the petitioner did not opt for the same, he has been denied the same. It is also submitted that during the interregnum period, the Commissioner, Patna Municipal Corporation, by an order dated 28.03.2016, had decided to grant pension even to those retired employees of the Patna Municipal Corporation, who were not getting the benefit of pension since they had not given option, however, the said decision has been stayed by the Empowered Standing Committee in its meeting held on 19.07.2017.

In such view of the matter, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the decision of the Empowered Standing Committee dated 19.07.2017. Liberty so sought, is granted.

The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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