

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7375 of 2019

1. Sabita Devi W/o Late Ajit Kumar Resident of Village-Ramji Chak Digha
(Yadav Gali) P.S.-Bataganj, P.S.-Digha, District-Patna.
2. Duleshwari Devi W/o Late Ram Krishna Prasad Sinha Resident of Road
No.-1, Chitrakut Nagar, Danapur, P.O.-Digha, P.S.-Digha, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Nagar Vikash, Urban Development and Housing
Department, Govt. of Bihar, Patna.
3. Nagar Parishad Danapur, Nizamat, Danapur, Patna, represented through its
Municipal Executive officer, Nagar Parishad Danapur Nizamat, Danapur,
Patna
4. The Municipal Executive officer, Nagar Parishad Danapur Nizamat,
Danapur, Patna
5. The Municipal Chairman, Nagar Parishad Danapur Nizamat, Danapur, Patna
6. The Empowered Standing Committee, Nagar Parishad Danapur Nizamat,
Danapur, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh, Adv
For the Respondent/s : Mr.Pushkar Narain Shahi (AAG6)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-08-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

1. That this Writ application is being filed to challenge the validity of Rule-35 and 36 of the Bihar Municipal Officers and Servants Pension Rules, 1987 (hereinafter referred as Pension Rules, 1987) as unconstitutional and for issuance of an appropriate writ/writs, order or order, direction and directions to Respondents to make payment of family pension and other dues and/or as Your Lordships may deem fit and proper in the mentioned facts and circumstances of the case.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the **respondent no. 2 Principal Secretary, Nagar Vikash, Urban Development and Housing Department, Govt. of Bihar, Patna**, to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of on the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law,

before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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