

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1898 of 2021

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Ghulam Rabbani S/o Late Sheikh Mahboob Alam R/o at Road No. 6/A, P.O.-
Rajendra Nagar, Near, Sinha Imaging Centre, P.S.-Kadamkuan, Rajendra
Nagar, Patna-16.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Urban and Housing Development Department,
Government of Bihar, Patna.
3. The Municipal Commissioner, Patna Municipal Corporation, Patna.
4. Sanjeev Kumar The Finance and Accounts Controller, Patna Municipal
Corporation, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rama Kant Singh, Advocate.
For the Respondent PMC	:	Mr. Yashraj Bardhan, Advocate.
For the Respondent State	:	Mr. Sankar Kumar, AC to AAG 7.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 12-12-2022

Heard Mr. Rama Kant Singh, learned counsel for the
petitioner, Mr. Yashraj Bardhan, learned counsel for the respondent
Patna Municipal Corporation and Mr. Sankar Kumar, learned AC
to AAG 7 for the State.

The present writ application has been filed seeking a
direction upon the respondent Patna Municipal Corporation to
ensure payment of all the retiral-cum-pentitionary benefit to the
petitioner with compound interest as well as due arrears of salary.

It is submitted that the petitioner was appointed as a
Junior Engineer in the department of Patna Regional Development



Authority, Patna, in the year 1988. In the year 2007, the Patna Regional Development Authority had dissolved and merged in Patna Municipal Corporation, Patna and since then the petitioner had been working in Patna Municipal Corporation, Patna. It is further submitted that though the petitioner superannuated on 31.01.2020, but no retiral benefits have paid to him, which compelled him to approach before this court. He also submits that during his service, the authority concerned without giving any information to the petitioner deducted 25 per cent of the salary of the petitioner, which was challenged before the Hon'ble Court by filing CWJC No. 1234 of 2016 and after having heard the parties, this court allowed the writ application, which has been brought on record by way of Annexure 1 to the writ application. He submits that though the writ application was allowed way back in the year 2017 itself, but till date that deducted salary of the petitioner has not been refunded.

In compliance of the order of this court, a supplementary affidavit has been filed on behalf of the respondent nos.3 and 4. By referring to the statements made in the counter affidavit, it is submitted that after getting sanction from Competent Authority, vide order no.2913 dated 28.02.2022, the petitioner was approved following superannuation benefits, for payment of gratuity, leave



encashment, general provident fund, the total of which come to Rs.31,97,076/-. He further submits that the petitioner has also been paid the arrears of pension from February, 2020 to December 2021. Further the amount of Rs.10,53,907/- has also stood paid to the petitioner against due pension of the petitioner. He next submits that so far the deducted amount of Rs.5 lakh from the salary of the petitioner, so made during his service period and the difference of amount on account of financial progression under the 1st and 2nd ACP, revised 7th pay and Revised 7th pay pension are concerned, the same is subject to approval by the Empowered Standing Committee.

Having considered the submissions made on behalf of the parties and considering the materials available on record the present writ application stands disposed of with a direction to the respondent nos. 3 to ensure all the formalities of getting approval from the Empowered Standing Committee, preferably within a period of eight weeks from the date of receipt/production of a copy of this order and pass necessary consequential order for payment of the same.

It is needless to say that if any claim denied, the reasons must be assigned and the petitioner is at liberty to assailed that order before the competent forum/court.



Accordingly, the present writ application stands
disposed of with the aforesaid liberty to the petitioner.

(Harish Kumar, J)

manoj/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.12.2022.
Transmission Date	NA

