

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15003 of 2017

Yadunandan Ram @ Yadunandan Raut son of Vito Raut resident of
Zairbahera, P.O. - Basudeopur, P.S. - Basudeopur, District - Munger.

... .. Petitioner

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Munger.
3. The Chairman, Munger Municipal Corporation, Munger.
4. The Municipal Commissioner Munger Municipal Corporation, Munger.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 15160 of 2018

1. Devan Thakur S/o Late Rudo Thakur, Resident of Village- Narayanpur
Nayabas Ganour, P.O. Modharopur, P.S.- Bihpur, District- Bhagalpur.
- 2.1. Pawan Kumar S/o Late Soti Mandal Resident of Village- Rampur Bhikari,
Neelam Road, P.O. Munger, P.S. Kotwali, District- Munger.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Urban and Housing
Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department,
Govt. of Bihar, Patna.
3. The Joint Secretary-cum-Special Secretary, Urban Development and
Housing Department, Govt. of Bihar Patna.
4. The District Magistrate, Munger.
5. The S.D.O. Sadar Munger, District- Munger.
6. The Mayor, Nagar Nigam, Munger.
7. The Commissioner, Nagar Nigam Munger.
8. The Executive Officer, Munger Municipal Corporation/Nagar Parishad,
Munger.
9. The Treasury Officer, Munger.

... .. Respondents

Appearance :

(In Civil Writ Jurisdiction Case No. 15003 of 2017)

For the Petitioner/s : Mr.Karuna Nath Sahay

For the Respondent Corporation: Mr. Anjani Kumar, Senior Advocate

(In Civil Writ Jurisdiction Case No. 15160 of 2018)

For the Petitioner/s : Mr.Shambhu Sharan Singh

For the Respondent/s : Mr.Yogendra Pd. Sinha

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**



ORAL ORDER

38 29-06-2022

C.W.J.C. No. 15003 of 2017: -

A supplementary counter affidavit, which is being filed on behalf of the respondent Corporation, has been taken on record.

The petitioner has sought for following reliefs in the present writ application: -

“That this writ application is being filed on behalf of the petitioner for issuance of writ or writs/ order or orders/ direction or directions in the nature of writ of Mandamus directing the respondents specially the respondent nos. 3 and 4 to pay the retrial dues including the pension and other admitted dues with statutory interest to the petitioner which is as follows;

(i) Payment of arrear of pension as per sixth pay commission from the date of retirement.

(ii) Payment of Pension

(iii) Amount of P.F. with interest.

(iv) Difference of amount of Gratuity as per sixth pay revision.

(v) Difference of amount of unutilized leave as per Sixth pay revision.

(vi) Difference of amount of payment from 1983 to 1989 as per third pay revision.

(vii) Difference of amount of payment



from 1990 to 1997 as per fourth pay revision

(viii) Difference of amount of payment from 1997 to 2007 as per fifth pay revision

(ix) Difference of payment from April, 2007 till retirement.

(x) Benefit of amount of A.C.P.”

The petitioner retired on 31.10.2016 while working as a Jamadar in Munger Municipal Corporation. Noticing the circumstance that lowly paid retired employees of the Corporation were not being paid their legal entitlements, the Court had taken up the proceeding with broader perspective, keeping in mind the right of similarly situated other employees of the Corporation. The order-sheet of this case speaks for itself. Several orders were passed and directions were issued to the Corporation to ensure payment of dues against various heads, which retired employees of the Corporation are legally entitled to receive.

In the today's supplementary counter affidavit filed on behalf of the Corporation, it has been stated with reference to a supplementary affidavit filed on 25.02.2022 that out of 193 retired employees of the Corporation, their entitlements pertaining to difference of leave encashment and gratuity pursuant to 5th Pay Revision have already been cleared. It has



further been stated that out of remaining 60 retired employees, 36 employees of the Corporation have been paid difference of leave encashment and gratuity in the light of 5th Pay Revision. In respect of remaining 24 retired employees, it has been stated that for want of requisite documents in the nature of Aadhar Card, PAN Card, Bank Account, Mobile Number etc., the payments have not been made, which are to be made upon creating C.F.M.S. IDs and opening of C.F.M.S. accounts. It has been stated that individual notices have been issued on 25.06.2022 to all such 24 retired employees for furnishing requisite documents to ensure payment of their legal entitlements.

Mr. AnjanI Kumar, learned Senior Counsel appearing on behalf of the respondent Corporation has submitted that once the remaining 24 retired employees of the Corporation furnish the requisite documents, payments shall be made in their respective accounts after creating C.F.M.S. ID and opening C.F.M.S. accounts.

Learned counsel appearing on behalf of the petitioner has submitted that the petitioner is entitled for monthly pension in terms of statutory rules.

From the pleadings on record, I find that no specific



claim relating to pension was ever raised by the petitioner before the competent authority of the Corporation. Further, the Court is of the opinion that the petitioner has sought multiple reliefs in one writ petition.

Taking into account the facts and circumstances emerging from the records of the writ petition, the same is disposed of with a liberty to the petitioner to raise his claim for payment of pension by making an exhaustive representation before the Municipal Commissioner. If such representation is made within one month from today, it is expected that the Municipal Commissioner shall consider the same and take a final decision within maximum period of two months thereafter. If the Municipal Commissioner is of the view that the petitioner is not entitled to monthly pension under the extant rules, he will have to record reasons therefor. It goes without saying that the petitioner shall be at liberty to question the decision of the Municipal Commissioner before appropriate forum in appropriate proceeding, if he feels aggrieved by the same. On the point of payment of legitimate dues to the 24 retired employees of the Corporation as noticed above, the Court is of the *prima facie* view that such retired employees/their dependents may not be in a position to spontaneously respond to



the notices issued by the Corporation because of their incapacity in terms of literacy, ignorance etc. The Court expects proactive steps to be taken by the Municipal Corporation to ensure that appropriate assistance is provided to 24 retired employees for the purpose of creation of C.F.M.S. ID and opening of C.F.M.S. accounts.

This Court has not gone into the individual cases of all such retired employees. They shall be at liberty to raise their grievance before appropriate forum, if they feel aggrieved in relation to non-payment of amount against any head.

This writ application stands disposed of with the aforesaid observation and direction.

C.W.J.C. No. 15160 of 2018: -

This writ application stands disposed of in terms of the aforesaid order.

(Chakradhari Sharan Singh, J)

Pawan/-

U			
---	--	--	--

