

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1559 of 2023

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Ramaji Pandey Son of Badi Pandey, Resident of - Rambhadar, Hajipur P.S.-
Hajipur Town, Dist.- Vaishali, Bihar, Pin- 844101

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Urban Development, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Chief Executive Officer, Nagarr Parishad, Hajipur, Dist- Vaishali, Bihar.
5. The Chaiman, Nagar Praishad, Hajipur, Dist- Vaishali, Bihar.
6. The District Magistrate, Vaishali.
7. The District Provident Fund Officer, Vaishali.
8. The Accountant General of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vasant Vikas, Adv., Mr. Pranoy Kumar, Adv., Mr. Nilesh Kumar, Adv.
For the State	:	Mr. Shiv Kumar, AC to GA-3
For the A.G.	:	Mrs. Ritika Rani, Adv.
For Respondents 4 & 5	:	Mr. Ankit Katriar, Adv.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-05-2023 Mr. Vasant Vikas, Mr. Pranoy Kumar and Mr. Nilesh Kumar, learned counsels appearing on behalf of the petitioners, Mr. Shiv Kumar, learned counsel appearing on behalf of the State, Mrs. Ritika Rani, learned counsel appearing on behalf of the Accountant General and Mr. Anikt Katriar, learned counsel appearing on behalf of respondent nos. 4 & 5.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner is entitled for pensionary



benefit in light of the **Bihar Municipal Officers and Servants Pension Rules**, which came into effect from 1st April, 1986.

3. Learned counsel in support of his claim relied upon a Division Bench Judgment passed by this Court in L.P.A. No. 969 of 2007, arising out of C.W.J.C. No. 14197 of 2006 (Annexure-8).

4. Learned counsel further submits that the claim of the petitioner is also supported by the Apex Court Judgment passed in **Sanchari Devi & Ors. Vrs. Ara Municipal Corporation and Ors.** (Annexure-12) reported in **2015 (1) PLJR SC 370**.

5. Learned counsel appearing on behalf of the petitioner further submits that the petitioner had already filed representation before the Executive Officer, Nagar Parishad, Hajipur, but without considering the entire gamut of the fact and the law laid down by the Apex Court, has rejected the claim of the petitioner mechanically.

6. Considering the rival submissions of the parties and the fact that the representation of the petitioner filed by him was rejected without considering the fact of the case with respect to the petitioner that he has opted for the pension, which has been reported by the executive Officer, Nagar Parishad, Hajipur.



7. Learned Counsel submits that the remedy of appeal is before the Additional Chief Secretary, Urban Development and Housing Department, Government of Bihar,/Director, Urban Development and Housing Department, Government of Bihar.

8. The petitioner is directed to file a detailed representation along with the Full Bench Judgment and the Apex Court Judgment passed in Sanchari Devi (supra) and other Judgment which the petitioner finds to be very close to the facts of the case of him for seeking parity for grant of the relief as claimed in the present writ petition.

9. The Additional Chief Secretary, Urban Development and Housing Department, Government of Bihar, is directed to consider the grievance of the petitioner and must arrive at a definite finding as to whether the case of the petitioner is covered by the law laid down by the Apex Court in case of Sanchari Devi. He must also adjudicate with respect to the case of the petitioner. His case is squarely covered by the order of this Court passed in case of similarly situated employee namely Nand Kishore Sharma, who had filed C.W.J.C. No. 14775 of 2020, which was disposed of vide order dated 18.01.2023.

10. It is expected that the Additional Chief Secretary,



Urban Development and Housing Department, Government of Bihar, will dispose of the representation of the petitioner by a reasoned order after giving an opportunity of hearing to the petitioner within a period of six weeks from the date of filing of the representation.

11. The writ petition stands disposed of.

(Purnendu Singh, J)

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