

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3437 of 2020**

Niraj Kumar Son of late Ram Sharan Rai, Residence of Mohalla- Dujara,  
Western of the Masazid , P.O. and P.S.- Budha Colony, G.P.O. Patna- 1,  
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner-Cum-Secretary, Urban Development and Housing Department Government of Bihar, New Secretariat, Patna.
2. Patna Regional Development Authority (Dissolved)/Patna Municipal Corporation, through city Commissioner.
3. The City Commissioner, Patna Regional Development Authority (Dissolved)/Patna Municipal Corporation, Mauryalok Complex, Block-C, 2nd Floor, Dokbanglow Road, P.S. Kotwali, District- Patna.
4. The Controller of Finance and Accounts, Patna Municipal Corporation, Mauryalok Complex, Block-C, 2nd Floor, Dokbanglow Road, P.S. Kotwali, District- Patna.

... .. Respondent/s

**Appearance :**

|                      |   |                                 |
|----------------------|---|---------------------------------|
| For the Petitioner/s | : | Mr. Shyama Kant Singh, Advocate |
| For the Respondent/s | : | Mr. Suresh Kumar, AC to GP-1    |
| For the P.M.C.       | : | Mrs. Kiran Kumar, Advocate      |

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

8      21-04-2023                      Heard Mr. Shyama Kant Singh, learned counsel appearing on behalf of the petitioner, Mrs. Kiran Kumar, learned counsel for the Patna Municipal Corporation and Mr. Suresh Kumar, learned AC to GP-1 for the State.

2. Learned counsel appearing on behalf of the petitioner informs this Court that the petitioner as on date is only aggrieved for non payment of the benefit of 6<sup>th</sup> Pay Revision which came into force with effect from 01.01.2006. He submitted that the retired employee who are the pension holders are entitled for revision of pension from the date the State Government had adopted the 6<sup>th</sup> Pay Revision, which has also



been adopted by the Municipality.

3. *Per contra*, learned counsel appearing on behalf of the State submitted that all the retiral dues have been paid to the petitioner, however, he is not entitled to the benefit of 6<sup>th</sup> Pay Revision after his retirement.

4. It is admitted fact that petitioner was granted Senior Selection Grade Scale Rs. 1800-3330. In the meantime, similarly situated retired employee of Patna Regional Development Authority as then was, had filed writ petition and this Court in several writ petitions after hearing the parties has dismissed the claim of the writ petitioners.

5. Contrary to the fact that petitioner is not entitled for benefit of 6<sup>th</sup> Pay Revision record reveals that other employees who had retired from the petitioner's organization have been given benefit of 6<sup>th</sup> Pay Revision. The petitioner has brought by way of 'Annexure-9' series orders contained in Memo No. 674 dated 22.02.2011 passed by the Municipal Commissioner and which shows that the pension relating to the concerned employee was revised from 01.01.1996 in light of the direction of this Court passed in CWJC Nos. 7050, 7051 and 7226 of 2001. No doubt, in the present case the petitioner has come before this Court after much delay.



6. The petitioner, if so desires may represent before the Municipal Commissioner for the relief(s) as prayed for in the present writ petition.

7. The Municipal Commissioner is required to dispose of the representation of the petitioner within a period of three weeks if he find that the petitioner should be treated then he must abide by the mandate of Article-14 of the Constitution by giving him the benefit of 6<sup>th</sup> Pay Revision within the aforesaid period and accordingly, sanction the amount to be paid to the petitioner in his account on the basis of revised pension.

8. Accordingly, the present writ petition is disposed of.

**(Purnendu Singh, J)**

Niraj/Nilmani

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

