IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7019 of 2020

==

Chandrama Manjhi S/o of Late Shiv Balak Manjhi Resident of Mohalla Kurkuri, P.S.- Fulwari, District- Patna.

... ... Petitioner/s

Versus

1. The Patna Municipal Corporation Through its Municipal Commissioner, Budh Marg, Patna-1.
2. The Municipal Commissioner Patna Municipal Corporation, Budh Marg, Patna.
3. The Executive Officer Nutan Rajdhani Anchal Corporation, Budh Marg, Patna.
4. The Finance and Accountant Controller Patna Municipal Corporation, Budh Marg, Patna-1.

... ... Respondent/s

==

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate
For the P.M.C.	:	Mr. Ranjeet Kumar Pandey, Advocate

==

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

9 18-03-2023 Heard Mr. Vijay Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Ranjeet Kumar Pandey, learned counsel appearing on behalf of Patna Municipal Corporation.

2. Learned counsel appearing on behalf of the petitioner informs this Court that entire payment on account of retirement benefit has been paid to the petitioner, however, certain amount of interest accrued on the difference of salary with respect to the period 01.04.1997 to 31.10.2004 are still to

be paid.

3. Learned counsel appearing on behalf of the respondent-Patna Municipal Corporation referring to Paragraph No. 10 to the counter affidavit informs this Court that total amount of D.A./D.R. for the period 01.04.1997 to 31.10.2004 on account of 5th Pay Commission and difference of D.A./D.R from 01.07.1993 to 31.10.2004 amounting to Rs. 1,26,038/- has already been paid to the father of the petitioner during his lifetime. He further submitted that the delay in non-payment is only because the Municipal Corporation was constrained because of paucity of fund. He further submitted that as such petitioner is not entitled for interest of the aforesaid period.

4. Considering the aforesaid submission made on behalf of the respective parties and taking into consideration the statement made in Paragraph No. 10, it appears that entire admitted retiral dues amount has already been paid but with some delay. In the counter affidavit, it appears no specific statement has been made as to whether interest has been paid for the aforesaid period by the Corporation which the petitioner has disputed. In such circumstances, disputed question of fact cannot be decided in exercise of power under Article 226, the petitioner is at liberty to make a representation before the

Municipal Commission for redressal of his grievance.

5. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

minu/-

U			