

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5788 of 2023

=====

Suresh Prasad Singh Son of Nabisha Singh, Resident of Village- Teneri, P.S.-
Teneri, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Urban Development Department, Bihar, Patna.
2. The Commissioner-cum-Chief Executive Officer, Patna Municipal Corporation, Mouryalok Complex, Patna.
3. The Addl. Commissioner (Establishment), Patna Municipal Corporation, Mouryalok Complex, Patna.
4. The Executive Officer, Head Office, Patna Municipal Corporation, Bankipur Anchal, Rajendra Nagar, Patna.
5. The Accounts Officer, Patna Municipal Corporation, Mouryalok Complex, Patna.
6. The Health Officer, Patna Municipal Corporation, Bankipur Anchal, Rajendra Nagar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Arbind Kumar Singh, Advocate.
For the Respondent/s	:	Mr. Ghanshyam Sharma, AC to GA-03.
For P.M.C.	:	Mr. Ranjeet Kumar Pandey, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 11-09-2023

Heard Mr. Arbind Kumar Singh, learned counsel

appearing on behalf of the petitioner; Mr. Ghanshyam Sharma,

learned AC to GA-3 for the State and Mr. Ranjeet Kumar

Pandey, learned counsel for the Patna Municipal Corporation.

2. Learned counsel appearing on behalf of the State

submits that the petitioner has been paid gratuity, earned leave

and dearness allowance and to that effect he has relied on the

instruction provided to him as contained in Memo No. 2329



dated 20.02.2023. On perusal of the writ petition, it appears that the petitioner has given details of retiral dues in Para-7 which has not been paid. The same is reproduced hereinafter:

- (i) Difference of salary for the period of on 09-08-1999 to 30-04-2015 which was accrued due to grant of A.C.P.
- (ii) Difference of salary accrued due to fixation of salary by the Vth pay revision committee.
- (iii) Difference of salary accrued due to fixation of salary by Vth revision committee.
- (iv) Salary for month of October 2001.
- (v) Dearness allowance for the period of 01-07-1991 to 30.04.2015.
- (vi) Difference of pension for the period on 01-01-2016 to 31-07-2019 to till date after giving benefits of seven pay revision.

3. Considering the fact that some of the retiral dues have been paid to the petitioner, however, petitioner has not been paid difference of pension from the period from 01.01.2016 to 31.07.2019 and difference of salary as a consequence of financial upgradation on account of ACP/MACP for the period from 09.08.1999 to 30.04.2015 and accordingly is also entitled for fixation of revised pension.

4. Considering the specific relief sought for by the petitioner in Para-7 of the writ petition, the petitioner, if so advised, may file a detailed representation before the respondent no.4 – the Executive Officer, Patna Municipal Corporation, Bankipur Anchal, Patna and the representation of the petitioner is directed to be disposed of within a period of four weeks from



the date of communication of this order in light of the law laid down by this Court in L.P.A. No. 960 of 2007 (The State of Bihar Vs. Bhuwan & Anr.) disposed of on 04.05.2015. In case, the case of the petitioner is not covered by the law laid down by this Court in L.P.A. No. 960 of 2007, in that case, the concerned authority is directed to give proper opportunity of hearing to the petitioner and pass a reasoned order in accordance with law after giving specific finding on the basis of the records, in case, he differs from the judgment passed by this Court on 04.05.2015 in L.P.A. No. 960 of 2007 (The State of Bihar Vs. Bhuwan & Anr.)

5. The writ petition, accordingly, stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	12.09.2023
Transmission Date	N.A.

