

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10507 of 2021

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Aditya Kumar Son of Late Ravindranath Jha Resident of ward no. 13,
Village- Babhangawan, P.O.- Bina, Police Station and District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna
2. The Saharsa Municipality (Nagar Parishad) through its Chief Executive Officer, Saharsa
3. The District Magistrate, Saharsa

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar Sinha, Advocate
For the State	:	Mr. Md. Harun Quareshi, AC to SC-1
For the Municipality	:	Mr. Abhay Shanker Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 10-01-2023 Heard learned counsel for the petitioner, counsel for the Saharsa Municipality and counsel for the State.

The grievance of the petitioner is that his father was superannuated from the post of Law Clerk, Saharsa Municipality w.e.f. 31.08.2003, who died in the year 2017. Thereafter he was not paid his pension and other post retiral benefits w.e.f. the date of his retirement till his death. But petitioner admits that after his death Rs. 4,80,046/- was paid to the petitioner and thereafter no further amount has been paid towards arrears of difference of salary on account of implementation of recommendation of pay revision and other outstanding dues.

A direction was made vide order dated 18.11.2022 that admissible dues must be paid to the petitioner, failing which appropriate order shall be passed.

Counsel for Municipality has filed counter affidavit and submits that the deceased employee i.e. father of the petitioner has received certain benefits towards Gratuity, Provident Fund, Salary, difference of pay, Earn Leave etc. as mentioned in para-4 of the counter affidavit. Counsel further submits that arrear of revised pension of the deceased employee was prepared at the tune of Rs.8,61,982/- and out of which Rs.4,80,046/- was paid through his pension account. It has been admitted that Rs.3,81,936/- shall be paid very soon. Counsel submits that as per the affidavit filed by the Municipality admissible dues has been paid.

Counsel for the petitioner seeks time to ascertain that whether all amount have been paid or not.

In this regard, liberty has been given to the petitioner that he may file a fresh representation showing his dues before the Municipality, if found in addition to that which is shown in the counter affidavit. Upon representation the Municipality shall pass a reasoned order within four months from the date of filing the same.

With this direction, the present writ application is
disposed off.

(Dr. Anshuman, J.)

ravishankar/-

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