

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11371 of 2021

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Kedar Lal Choudhary Son of Late Tufani Choudhary, Resident of Sampat Path, New Bus Stand Road, Near Chanakya Law University, P.O. - G.P.O., P.S. - Jakkanpur, District - Patna, Bihar - 800001.

... .. Petitioner/s

Versus

1. Patna Municipal Corporation through the Municipal Commissioner, Patna, Buddha Marg Patna - 800001.
2. The Municipal Commissioner, Patna Municipal Commissioner, Buddha Marg, Patna - 800001.
3. The Additional Municipal Commissioner, Patna Municipal Corporation, Patna.
4. The Executive Officer, Bankipur Anchal, Patna Municipal Corporation, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Kaushik, Advocate Mr. Pushkar Bharadwaj, Advocate Ms. Namrata Dubey, Advocate
For the Respondent/s	:	Mr. Prasoon Sinha, Advocate Mr. Sanjay Prakash Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-01-2023 Heard learned counsel for the petitioner and counsel for the Patna Municipal Corporation.

Admittedly petitioner is the retired employee and has been paid his retiral dues as well as the benefit of revision of pay in terms of Pay Anomaly Committee from the period of 01.02.2007 to 18.11.2010 by virtue of CWJC No. 13107 of 2013. He submits that in compliance of the order passed in the said writ, petitioner has received payment, according to him the calculation of 7th pay revision has not been added for the same and therefore, the present writ petition has been filed for taking benefit of 7th pay revision and also the benefits which were paid in part to the petitioner towards 6th pay revision, which has been

mentioned in paragraph-1 of the writ petition.

Counsel for Municipal Corporation submits that petitioner is a litigant and he is in habit of filing the writ petition unnecessarily.

Filing a case is an inherent power of the parties which can not be stopped by raising objections unless and until suppression has been made. Here, no suppression has been made and therefore, petitioner is entitled to file the writ petition. There is no counter available on record at present, therefore, liberty is given to the petitioner that he may file the representation before Patna Municipal Corporation annexing the entire detail, which he has annexed in the present writ petition and municipal authorities shall pass a reasoned order considering the claims as demanded in the writ petition and if found payable, pass a reasoned order and ascertained the payment within a reasonable period of time.

With this direction, this writ application is disposed off.

(Dr. Anshuman, J.)

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