

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9752 of 2022

1. Sheo Charan Yadav @ Shivcharan Yadav Son of Late Ram Prasad Ray Resident of Mohalla- Ratanpura Ashutosh Lane, PO and PS- Bhagwan Bazar, Chapra, District- Saran- 841301
2. Raghubar Jee Son of Late Shiv Nath Prasad Resident of Lane of Chairman, Mohalla- Daulatganj, PO and PS- Bhagwan Bazar, Chapra, District- Saran- 841301.
3. Kaushalya Devi Wife of Late Radha Mohan Resident of N A, Tulasi Gali, Mohalla- Karimchak, PO- Chapra, PS- Chapra Town, District- Saran- 841301
4. Rukminia @ Rukmina Devi @ Rukhmini Wife of Shukh Lal Ram @ Luri Ram Resident of Mohalla- Chatradhari Bazar, PO- Chapra, P.S.- Chapra Town, District- Saran.
5. Alaiya @ Alaiya Devi wife of Late Saral Resident of Yognia Kothi, Mohalla- Dahiyawan Tola, PO- Chapra, PS- Chapra Town, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Dy. Secretary, Urban Development Department, Government of Bihar, Patna.
5. The Director, Urban Development Department, Government of Bihar, Patna.
6. The Commissioner, Saran Commissionery, Saran at Chapra.
7. The District Magistrate-cum-Collector, Saran at Chapra.
8. Chapra Municipal Corporation, Chapra through its Town Commissioner, At PO and PS- Chapra, District- Saran.
9. The Town Commissioner, Chapra Municipal Corporation, Chapra, At, PO and PS- Chapra, District- Saran.
10. The Mayor, Chapra Municipal Corporation, At, PO and PS- Chapra, District- Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mahesh Narain Parbat, Sr. Advocate. Mr. Praveen Prabhkar, Advocate.
For Chhapra Municipality:	:	Mr. Indu Bhushan, Advocate.
For the State	:	Mr. Shiv Kumar, AC to GA-3.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 11-04-2023

Heard Mr. Mahesh Narain Parbat, senior counsel



assisted by Mr. Praveen Prabhakar, learned counsel appearing on behalf of the petitioner; Mr. Indu Bhushan, learned counsel appearing on behalf of Chapra Municipality and Mr. Shiv Kumar, learned AC to GA-3 for the State.

2. State is under obligation to protect the life of the poor petitioners of the present writ petition whose pension have been stopped. Pleading has been taken on behalf of the State that the constitutional mandates caste responsibility on the Municipal Corporation.

3. On the other hand, real state of affairs of the Municipal Corporation of different district of the State is that they are not generating sufficient fund to release the pension of its retired employees.

4. Learned counsel appearing on behalf of the petitioners submits that the records reveal that the Municipal Commissioner, Chhapra Nagar Nigam has raised the plight of the poor petitioners and similarly situated other pensioners vide Letter No. 660 dated 11.06.2018 before the Director, Municipality Administration cum Additional Secretary, Urban Development and Housing Department, Government of Bihar and sent reminder again to him vide Memo No. 1111 dated 02.09.2018. He further submits that the constitutional mandate



obligates the Municipal Corporation to pay pension, however, Corporation is short of fund. The Corporation is substantially funded by the State Government.

5. The Director, Municipality Administration cum Additional Secretary, Urban Development and Housing Department, Government of Bihar is directed to take a final decision with respect to the petitioners of the present writ petition in light of the two aforementioned communications dated 10.06.2018 and 02.09.2018 made by the Municipal Commissioner, Chhapra Nagar Nigam.

6. The petitioner, if so advised, may also file a detailed representation before the Director, Municipality Administration cum Additional Secretary, Urban Development and Housing Department, Government of Bihar and the Municipal Commissioner, Chhapra Nagar Nigam who will take a final decision with respect to release of pension to the petitioners within a period of three weeks from the date of filing of the representation.

7. The writ petition stands disposed of.

(Purnendu Singh, J)

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