

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1844 of 2017

Arising out of

Civil Writ Jurisdiction Case No.6465 of 2015

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Jawahar Yadav Son of Late Mahendra Yadav, Resident of Village- Milki Chak, P.S. - Naya Ramnagar, District - Munger.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department Government of Bihar, Patna.
2. The Secretary cum Commissioner, Urban Development Department, Government of Bihar, Patna.
3. The Collector cum District Magistrate, Munger, Bihar.
4. The Chairman Jamalpur Nagar Parishad, Munger, Bihar.
5. The Executive Officer, Jamalpur Nagar Parishad, Munger, Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ashutosh Kumar Verma, Advocate
For the State	:	Mr. Mr. Vishwambhar Prasad, AC to AAG 5
For the Jamalpur Nagar Parishad :		Mr. Rakesh Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date : 02-01-2023

Heard Mr. Ashutosh Kumar Verma, learned counsel for the appellant; Mr. Vishwambhar Prasad, learned AC to AAG 5 for the State and Mr. Rakesh Kumar Sinha, learned counsel for the Jamalpur Nagar Parishad.

2. The appeal is directed against the judgment dated 16.03.2017 passed by the learned Single Judge in CWJC No. 6465 of 2015.



3. The stand of the appellant is that he should be given the benefit of 6th Pay Revision Commission recommendation. *Per-contra*, the stand of the Jamalpur Nagar Parishad is that the appellant having superannuated in October, 2012 is not entitled to such benefit as the same has been adopted by the Jamalpur Nagar Parishad much later and most importantly, no similarly situated person has been given such benefit. It was also submitted that the arrears of difference of pay with reference to the recommendation of the 5th Pay Revision Commission as also such difference on encashment of earned leave and gratuity has also been paid in September, 2022 totaling Rs. 2,36,000/-.

4. Faced with the situation, learned counsel for the appellant submitted that he may be given liberty to represent before the competent authority as in the calculation there are some errors and he is entitled to some further payment.

5. Be that as it may, the appeal stands disposed of with liberty to the appellant to file a representation before the competent authority giving specific details of his claim and on the basis on which he has raised such claim. If the same is done, the competent authority shall look into the matter and after verification from the records passed a reasoned order thereupon. If any further payment is required to be made to the appellant, the



same shall also be paid to him within one month from the date of passing of the order.

(Ahsanuddin Amanullah, J)

(Harish Kumar, J)

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