

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14775 of 2022

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Nandkishor Sharma Son of Ramvriksh Sharma Resident of Gandhi Chauk,
Hajipur, P.S.- Hajipur Town, Dist.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Urban Development, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Chief Executive Officer, Nagar Parishad, Hajipur, Dist.- Vaishali, Bihar.
5. The Chairman, Nagar Parishad, Hajipur, Dist.- Vaishali, Bihar.
6. The District Magistrate, Vaishali.
7. The District Provident Fund Officer, Vaishali.
8. The Accountant General of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vasant Vikas, Adv.
For the Respondent/s	:	Mr. Subhash Prasad Singh (Ga 3)
For the A.G.	:	Mr. Binod Kumar Labh, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2023 Heard learned counsel for the petitioner and counsel

for the State and counsel for the Municipal Corporation and

Accountant General.

The petitioner has filed the present writ petition for
issuance of appropriate writ due to the nature of mandamus
commanding respondent authority (Municipal Corporation) and
state to fix and sanction the pension and other admissible post
retiral dues to the petitioner and further to pay interest with
effect from the date of superannuation of the petitioner.

Counsel for the Nagar Parishad submits that petitioner is not entitled to pension under 1987 Rule as the petitioner has not specifically opted for pension under 1987 pension rule. This issue has already been decided by the Apex Court and become res-integra. This matter was decided in case of Sanichari Devi and Ors, Vs. Ara Municipal Corporation and Ors, 2015(1) PLJR (SC) 370.

Considering the judgment of the Apex Court in the above said case, the writ application is allowed. The respondents are directed to forthwith pay the pension of the petitioner and ensure payment of all retiral dues within a maximum period of four months from the date of receipt/production of a copy of this order.

Counsel for the State submits that a Division Bench order LPA No. 960 of 2007 State of Bihar vs. Bhuwan and another. It has been categorically decided that liability of any employee shall bond by the Municipal body and not by the State Government.

Counsel for A.G submits that accountant general has nothing to do in this matter. He is related only upto the extent that only one sanction shall come, he shall prepare PPO and refer the matter before the paying authority.

In the light of the above said circumstances, the payment to the petitioner shall be made by the Nagar Parishad, Hajipur.

With this observation, this writ application stands disposed off.

(Dr. Anshuman, J.)

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