

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4901 of 2021

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Akhilesh Kumar Singh S/o Late Jag Narayan Singh, resident of Village -
Sonkukra Bhojpur, P.S. - Masaurhi, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department Govt. of Bihar, Patna.
2. The Chairman, Nagar Parishad, Masaurhi, Patna.
3. The Chief Councillor, Nagar Parishad, Masaurhi, Patna.
4. The Executive Officer, Nagar Parishad Masaurhi, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shiv Kumar, Adv.
For the Nagar Parishad, Masaurhi	:	Mr. Nagendra Kumar Singh, Adv.
For the State	:	Mr. Sushant Pravir, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 21-10-2024

Head Mr. Shiv Kumar, learned Advocate for the petitioner and Mr. Nagendra Kumar Singh, learned Advocate for the Nagar Parishad, Masaurhi. The State is represented by Mr. Sushant Pravir, learned Advocate.

2. The petitioner superannuated on 31.05.2016. On being aggrieved by the inaction of the respondent Nagar Parishad in not extending the retiral benefits, the petitioner has invoked the jurisdiction of this Court seeking a direction upon the respondents to ensure the payment of all the pensionary benefits and other dues along with the statutory interest made thereon.

3. Bereft of irrelevant facts it is to be noted that a



supplementary counter affidavit has been filed on behalf of the Nagar Parishad with a categorical assertion that upon being superannuated the petitioner has been accorded all the admissible retiral benefits and other dues. In this regard, specific contention has been made in paragraph-2 of the supplementary counter affidavit showing the payments of admissible benefits/dues under the different heads.

4. Learned Advocate for the petitioner though accepted the contention to the extent the averments made in the supplementary counter affidavit. However by filing a rejoinder to the supplementary counter affidavit, he vehemently submitted that the calculation has not been made in appropriate manner and there are various discrepancies, apart from the fact that the petitioner has not been accorded the yearly increment with effect from 2009 till the date of his retirement. Besides the aforesaid claim, the learned Counsel for the petitioner also drew the attention of this Court to the other discrepancies as have been crept in the calculation of the retiral benefits and other dues.

5. Having heard the learned Advocate for the respective parties and taking note of the fact that the matter relates to accounting at the level of the respondent Nagar Parishad, this



Court deems it fit and proper to dispose off the writ petition with a direction to the respondent no. 4 to treat the rejoinder affidavit dated 07.10.2024 filed by the petitioner as his representation and dispose off the same, preferably within a period of 12 weeks from today.

6. Suffice it to say that the concerned respondent(s) shall be under obligation to take into consideration the points raised by the petitioner in his rejoinder as afore noted and dispose off the same by passing a reasoned and speaking order. In case any amount is found due to the petitioner, the same shall also be paid to him within the period stipulated.

7. The writ petition stands disposed of with the aforesaid directions.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.10.2024
Transmission Date	

