

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1286 of 2022

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Jagdish Ram, Son of Late Harihar Ram, Resident of Union Tola, Ward No. 4,
Jay Nagar, P.O. and P.S. - Jay Nagar, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Urban Development and Housing
Department, Government of Bihar, New Secretariat, Patna.
2. The Executive Officer, Nagar Panchayat Jay Nagar, Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashutosh Kumar Jha, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar, SC-9
For the Nagar Panchayat :		Mr. Ashok Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 10-09-2024

Heard Mr. Ashutosh Kumar Jha, learned Advocate
for the petitioner and Mr. Ashok Kumar, learned Advocate for
the Nagar Panchayat Jay Nagar, Madhubani. Learned Advocate
for the State is also present.

2. The petitioner by filing the present writ petition
seeking a direction upon the respondents to ensure payment of
all the retiral dues as per 5th and 6th Pay Commission.

3. A counter affidavit has been filed on behalf of
respondent no.2.

4. A categorical averment has been made in the
counter affidavit that the petitioner has been paid the amount of
arrears of 5th Pay Revision benefit amounting to Rs. 79,905 vide



Voucher No. 439 dated 28.11.2022 and further vide Voucher no. 346 dated 22.08.2024, the petitioner has also been paid arrears of 6th Pay revision amounting to Rs.70,000/-.

5. Learned Advocate for the respondent no.2 further contended that the payment of remaining benefits of 5th and 6th Pay revision of the petitioner will be paid as per availability of the fund in 12 equal installments, as per the direction of the State Government, the resolution of which has been placed on record as Annexure-R/2.

6. It is also the contention of the learned Advocate for the Corporation that the economic condition of Jay Nagar, Nagar Parishad is not good enough to make full payments of arrears of 5th and 6th Pay Revision benefits to all its employees and, as such, the same is being done in 12 equal installments.

7. Learned Advocate for the petitioner is not satisfied with the averments made in the counter affidavit and submitted that the respondent Corporation having found the services of the petitioner satisfactory, promoted him to the post of Clerk vide Memo No. 231 dated 10.02.2009, thus he should be allowed all the benefits in commensurate to the post of Clerk from which post he finally superannuated; he prays for two weeks time to file rejoinder to the same.



8. Having considered the submissions advanced on behalf of the learned Advocate for the respective parties and considering the categorical averments made in the counter affidavit filed on behalf of respondent no.2, this Court may deem it apt and proper to dispose off the present writ petition with a direction to respondent no.2 to ensure payment of the remaining benefit of 5th and 6th Pay revision in 12 equal installments in accordance with law, as per the service record and entitlement of the petitioner as well as in view of the directives of the State Government, as noted hereinabove.

9. It is made clear that respondent no.2 must be abide by the Government resolution and no further delay shall be caused in making the payment to the petitioner in equal installments. In case of failure, necessary order shall be passed against the erring officials.

10. The writ petition stands disposed of.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.09.2024
Transmission Date	NA

