

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1327 of 2022

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Rajbir Prasad S/o Late Khattar Yadav, Resident of Ward No. 6, Jaynagar, P.S.
- Jaynagar, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Urban Development and Housing Department, Government of Bihar.
2. The Jaynagar Panchayat, Jaynagar through its Executive Officer, Jaynagar Panchayat, Jaynagar, District - Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashutosh Kumar Jha with Mr. Rajiv Ranjan Kr. Pandey, Advocates
For the State	:	Mr. Kinkar Kumar, SC 9
For the Nagar Panchayat :		Mr. Ashok Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 05-08-2024

Heard Mr. Rajiv Ranjan Kumar Pandey, learned Advocate for the petitioner and Mr. Ashok Kumar, learned Advocate for the Nagar Panchayat, Jay Nagar. Learned Advocate for the State is also present.

2. The petitioner superannuated on 31.01.2015 from the post of Tax Daroga. On being aggrieved by non-payment of his post retiral benefits, approached this Court by filing the present writ petition.

3. Learned Advocate for the petitioner fairly submitted that despite his superannuation way back in the year 2015, though belatedly, substantive amount has been paid but



till date the petitioner has not been paid difference of amount on account of 5th and 6th Pay Revision. It is further contended that during the pendency of the writ petition an amount of Rs. 37,930/- out of Rs.75,860/- on account of difference of arrears under the 5th Pay Revision has been paid; still the petitioner has not been paid arrears of difference of 6th Pay Revision as well as remaining amount of Rs.37,930/- with respect to 5th Pay Revision.

4. A counter affidavit has been filed on behalf of respondent no. 2. Referring to the averments made therein, learned Advocate for the Nagar Panchayat submitted that under the arrears of payment on account of 5th Pay Revision, remaining amount of Rs.37,930/- on 03.08.2022 and Rs. 37,930/- on 13.04.2024, total to the tune of Rs.75,860/-, has been paid to the petitioner. It is also contended that the amount of arrears of pension on account of 6th Pay Revision and arrears of other retiral dues of the petitioner have not been paid due to financial crunch and the same will be paid as per availability of the fund.

5. Considering the limited grievance of the petitioner and submissions advanced on behalf of the respective parties, this Court deems it apt and proper to dispose of the writ petition



with a direction to the respondent no. 2 to ensure payment of remaining amount of arrears of pension on account of 6th Pay Revision as well as other retiral dues, including the remaining differential amount of 5th Pay Revision to the tune of Rs.37,930/-, if not paid, preferably within a period of 12 weeks from today.

6. Needless to observe that the petitioner has already been superannuated way back in the year 2015 and as such the period stipulated hereinabove must be adhered to.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	06.08.2024
Transmission Date	

