IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3818 of 2022

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Sudama Sharma Son of Late Rambaran Sharma Shiv Mandir Village- Babbanpura P.S. Phulwarisarif, District- Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through Secretary Urban Development Department Government of Bihar Patna.
2. The Patna Municipal Corporation through Municipal Commissioner cum Chief- Executive Officer Patna Municipal Corporation Patna.
3. Executive Officer New Capital Circle Patna Municipal Corporation Patna.
4. Controller Finance Account Patna Municipal Corporation Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mani Madhukar, Adv.
For the Respondent/s	:	Mr. Yogendra Prasad Sinha, AAG-7
For the PMC	:	Mr. Ranjeet Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 30-07-2024

Heard the parties.

2. The petitioner after serving satisfactory service to the Patna Municipal Corporation, Patna, superannuated on 31.07.1996 from the post of Assistant New Capital Circle. After superannuation, he was paid all his retiral benefits. However, on account of non submission of the life certificate, the petitioner has not been paid his due pension for the period from 01.12.2018 to 31.03.2020. The petitioner also contended that he has not been accorded the benefit of difference of pension on account of 5th, 6th and 7th pay revision. He also prayed for payment of additional 20% pension after attaining the age of 80 years.

3. A counter affidavit has been filed on behalf of respondents no. 2 to 4, wherein a categorical averment has been made that so far the admissible retirement benefits of the petitioner are concerned, the same has already been accorded to him. However, it is fairly contended that the arrears of pension on account of 5th, 6th and 7th pay revision after completing 80 years of age has been calculated which comes to Rs. 3,27,929/-. The said amount has already been sanctioned vide order as contained in Letter No. 2823 dated 25.07.2022. Further, the arrears of pension as per 7th pay revision after completing 80 years of age has also been calculated which comes to Rs. 76,432/- and this amount has been sanctioned vide order as contained in Letter No. 4121 dated 28.07.2023.

4. Mr. Ranjeet Kumar Pandey, learned Advocate for the Patna Municipal Corporation, adverting to the averments made in the counter affidavit further contended that admittedly the amount has been sanctioned in the year 2022 and 2023, respectively but on account of paucity of fund, the Corporation could not honour the sanction order issued for payment and thus he submitted at the Bar that the moment the Corporation shall receive the fund, the payment of afore-noted sanctioned amount shall be made.

5. Considering the submissions advanced on behalf of the learned Advocates for the respective parties, this Court

deems it apt and proper to dispose of the writ petition with a direction to respondent no.3, Executive Officer, New Capital Circle, Patna Municipal Corporation, Patna, to ensure payment of sanctioned amount in favour of the petitioner, preferably within a period of twelve weeks from the date of receipt/production of a copy of this order.

6. It is further directed that the respondent(s) shall also consider the claim of the petitioner with regard to the payment of arrears of pension for the period of 01.02.2018 to 31.03.2020, which in the humble submission of the petitioner, has not been paid on account of non submission of life certificate, within the afore-noted stipulated period.

7. Needless to observe that if the arrears of pension for the period of 01.02.2018 to 31.03.2020 has not been paid to the petitioner, in such circumstances, it must be paid to him in the period prescribed above. In case, the payment has already been made, the concerned respondent shall inform the petitioner by passing an order in this regard.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31-07-2024
Transmission Date	