

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12970 of 2021

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Indrajeet Prasad Sinha, Son of Late Arjun Singh, Resident of Village-Tikaitpur, Post-Neora, Police, Station-Bihta, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Urban Development and Housing, Government of Bihar, Patna.
2. The Principal Secretary, Department of Urban Development and Housing, Government of Bihar, Patna.
3. The Director, Municipality Cum Joint Secretary, Department of Urban Development and Housing, Government of Bihar, Patna.
4. The Patna Municipal Corporation, Patna through the Patna Municipal Corporation, Bihar, Patna.
5. The Municipal Commissioner, Patna Municipal Corporation, Maurya Lok, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Adv.
For the PMC	:	Mr. Ranjeet Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Subash Prasad Singh, GA-3

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 01-07-2024

Heard Mr. Sanjay Kumar, learned counsel for the petitioner; Mr. Ranjeet Kumar Pandey, learned counsel for the P.M.C. and the learned counsel for the State.

2. The petitioner was initially appointed as Assistant in the Patna Regional Development Authority and subsequently after enactment of the Bihar Municipal Act, 2007, his services



merged in the Patna Municipal Corporation. The petitioner superannuated from his services on 31.01.2015 from the post of Assistant-cum-In-charge Office Superintendent.

3. Without delving into other issues, this Court deems it appropriate to take into account the counter affidavit filed on behalf of respondents no. 4 and 5, wherein a categorical contention has been made that though the petitioner superannuated on 31.01.2015 from the post of Assistant-cum-In-charge Office Superintendent, however, on account of pending departmental proceeding which came to be closed vide order dated 16.04.2019, the retiral benefits have been accorded to him subsequent thereto. It is further averred that all the admissible retiral dues, including the gratuity, provident fund, earned leave and the arrears of difference of salary on account of the 1st and 2nd ACP, have been sanctioned and paid to the petitioner. It is also contended that the petitioner has also been allowed the difference of salary on account of the 6th pay revision as well as the 7th pay revision. The averment in this regard has been made in paragraphs-7, 8 and 9 to the counter affidavit.

4. The learned counsel for the Patna Municipal Corporation also contended that the arrears of pension of the petitioner has been calculated; which came to Rs. 42,99,592/-



and after deducting I.T, TDS Rs. 12,89,878/-, a total amount of Rs. 30,09,714/- has been sanctioned for payment in two installments. The first installment has been paid to the petitioner. So far the second installment is concerned, it is contended that the same shall be paid to the petitioner along with other retired employees of the Corporation, as there is paucity of fund in the Patna Municipal Corporation.

5. The learned counsel for the petitioner, in response thereto, contended that the petitioner was superannuated on 30.01.2015 and even after nine years, he has not been accorded his full retiral dues. It is also contended that other identically situated employees have been allowed the retiral benefits and thus discrimination has been caused to the petitioner.

6. Considering the submissions advanced on behalf of the learned counsel for the respective parties, this Court disposes the present writ petition with a direction to the respondent no. 5, the Municipal Commissioner, Patna Municipal Corporation, Patna to ensure the payment of 2nd installment of arrears of pension to the petitioner, preferably within a period of twelve weeks.

7. It is to be noted that if the respondent/Corporation has been disbursing the payment as per the seriatim of the date



of retirement of its employee(s), the same must be adhered to while making the payment.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03-07-2024
Transmission Date	

