

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14263 of 2021

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1. Pramod Kumar Singh Son of Late Jamadar Singh, Resident of Mohalla - Bulbul Vihar, Judges Colony, RPS Road, P.S. - Danapur, Distt. - Patna.
 2. Mankeshwar Prasad Singh, Son of Late Damodar Prasad Singh, Resident of West of Tara Tower, Kautilya Nagar, North Shastri Nagar, P.S. - Shastri Nagar, Town and Distt. - Patna.
 3. Sushma Rani Sinha, Wife of Kamlesh Satyavadi, Resident of Flat No. 243, Block -32, Road No. 10E, Near Buddhist Mandir, Rajendra Nagar, P.S. - Kadamkuan, Town and Distt. - Patna.
 4. Krishna Ballabh Prasad, Son of Late Ramlakhan Singh, Resident of Simali Pandariva Patna, P.S. - Malasalami, Distt. - Patna.
 5. Ram Bharosa Pandit, Son of Late Amrit Pandit, Resident of Shiv Nagar Colony, P.S. - Beur, Bitaura, Distt. - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Patna Municipal Corporation, Mauryalok Complex, Patna through its Commissioner.
3. The Municipal Commissioner, The Patna Municipal Corporation, Mauryalok Complex, Patna.
4. The Controller of Municipal, Finance and Accounts Patna Municipal Corporation, Mauryalok Complex, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shekhar Singh, Advocate
For the Respondent/s	:	Mrs. Sushmita Sharma, Advocate
For the Corporation	:	Mr. Ranjeet Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 14-11-2024

Heard the parties.

2. The petitioners before this Court are the retired employees of Patna Municipal Corporation, who preferred the writ petition seeking a direction upon the respondent



Corporation to sanction their pension, as per the Bihar Municipal Corporation Officer and Employee Pension Rule, 1986 and also to ensure the arrears of pension and other financial benefits accrued on account of such sanction.

3. Learned Advocate for the petitioners referring to the facts of the case submitted that the petitioners were initially employees of Patna Regional Development Authority, Patna, which was dissolved and merged with the Patna Municipal Corporation way back in the year 2007. Upon being absorbed, the petitioners served the Municipal Corporation under different capacities and finally superannuated. In the meantime, some of the identically situated persons, on being aggrieved by the inaction of the respondent authorities in extending the benefit of pension and other retiral dues, approached before this Court in CWJC No. 8581 of 2017 and other analogous case, which came to be allowed vide order dated 01.11.2021, with a direction as follows:

“36. Both the writ applications are allowed with a direction that if the petitioners deposit the entire amount of provident fund contribution received by them right from their initial appointment in PRDA, with interest to the Corporation, they shall be paid pension under the PMC Pension Rules. The Corporation shall be required to compute the amount of provident fund contribution received by the petitioners as



employees of dissolved PRDA and the interest which the petitioners will be required to pay from the date they received the amount till date, within a period of one month from the date of receipt/ production of a copy of this order. Once such computation is made by the Corporation, the same should be communicated to the petitioners forthwith. The amount so computed by the Corporation should be deposited by the petitioners in appropriate account of the Corporation within a fortnight thereafter. If the said amount is deposited by the petitioners within the stipulated time, the Corporation shall be required to pay to the petitioners pension and arrears of pension under the PMC Pension Rules.”

4. Despite the position settled by this Court, the petitioners have not been allowed the pension and other dues, compelling them to approach before this Court.

5. Learned Advocate for the Municipal Corporation has contended that in terms of the order of this Court, the Municipal Corporation has come out with a decision to extend the benefit of pension. Referring to the averments made in the counter affidavit filed on behalf of the respondent nos. 2 to 4, learned Advocate further contended that so far the petitioners are concerned, their pensions have already been sanctioned and fixed; now they are getting regular monthly pension. So far the arrears of pension are concerned, the petitioner no. 1 has already been paid the admissible arrears of pension. With respect to petitioner nos. 2 to 5, it is contended that on account of paucity



of fund in the Patna Municipal Corporation, their arrears of pension shall be paid within a reasonable period of time, on receipt of necessary fund.

6. Learned Advocate for the petitioners, at this juncture, contended that the petitioners superannuated way back in the year 2011-2012 and, till date, they have not been accorded their arrears of pension on a lame excuse of paucity of fund. The allegation has also been levelled that pick and chose method are adopted by the Corporation in extending the payment of arrears of pension.

7. Having considered the submissions advanced on behalf of the learned Advocate for the respective parties and taking note of the undertaking given by the Municipal Corporation that the arrears of pension shall be paid within a reasonable period of time, this Court directs the respondent nos. 3 and 4 to ensure the admissible arrears of pension, in terms of the order of this Court dated 01.11.2021 passed in CWJC No. 8581 of 2017, as also the decision taken by the Corporation preferably within a period of four months, from the date of receipt/production of a copy of this order.

8. Needless to observe that the petitioners have already superannuated way back in the year 2011-2012, this



Court caution the respondents to adhere with the period stipulated hereinabove.

9. The writ petition stands disposed off with the direction aforenoted.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.11.2024
Transmission Date	NA

