

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.914 of 2021

1. Bhupendra Prasad Yadav @ Bhupendra Yadav son of Late Chhotelal Yadav Resident of Mohalla- Hajipur Ward No. 18 P.S.- Khagaria Town, Dist- Khagaria, Retired from the Post- Sanitary Inspector.
2. Vinay Kumar Verma son of Late Ram Swaroop Prasad Resident of Mohalla- Vidhyadhar, Khagaria, P.O.- Mukhya Dakghar P.S. Khagaria Town, Dist- Khagaria, Retired from the Post- Head Clerk Cum Assistant.
3. Ramesh Kumar son of Jagdev Mehta Resident of Mohalla- Hajipur Ward No.12, P.S. Khagaria Town, Post- Mukhya Dakhghar, Dist- Khagaria, Retired from the Post- Assistant.
4. Subhash Prasad son of Late Narayan Prasad Resident of Mohalla Hajipur, Ward No. 19 Post Office Road Khagaria, P.S.- Khagaria Town, Dist- Khagaria Retired from the Post- Posting Clerk.
5. Chandra Shekhar Choudhary son of Kaleshwar Choudhary Resident of Mohalla- Hajipur Adda Ghat, Khagaria, Ward No- 19 P.S.- Khagaria Town, Dist- Khagaria, Post- Posting Clerk.
6. Bhawar Lal son of Natthu Ram Resident of Mohalla- Dawan Tola, Ward No. 4, P.S. Khagaria Town, Dist- Khagaria Retired from the Post- Cleaner.
7. Raghunandan Prasad Yadav son of Manroop Mandal Resident of Village- Mundichak Post Sarbela, P.S. Salkhua Ward No. 1 Sarbela Dist- Saharsa Retired from the Post- Assistant Sanitary Clerk.
8. Janardan Yadav son of Late Hahi Yadav Resident of Mohalla- Dan Nagar- Ward No. 5, P.S.- Khagaria Town, Dist- Khagaria, Retired from the Post- Ward Jamedar.

... .. Petitioners

Versus

1. The State of Bihar through the Principle Secretary Nagar Vikash Vibhag Urban Development and Housing Department, Government of Bihar Patna, having his Office New Secretariat Patna.
2. The District Magistrate Cum Collector, Khagaria.
3. The Chief Executive Officer, Nagar Vikash Vibhag, Khagaria.
4. The Chairman cum Nagar Sabhapati Sasakt Committee, Nagar Parishad, Khagaria.
5. The Secretary, Nagar Vikash and Awash Vibhag, Bihar, Patna.
6. The Accountant General (A and E), Bihar Patna.
7. The Treasury Officer, Khagaria.
8. The District Panchayat Raj Officer, Khagaria.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Adv.
For the Respondent/s : Mr. Yogendra Prasad Sinha, AAG-7



For Resp No.3 : Mr. Rajesh, Sinha, Adv.
Mr. Chandan Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 16-01-2024

Heard Mr. Shekhar Kumar Singh, learned counsel for the petitioners and Mr. Rajesh Sinha, learned counsel, representing the Nagar Parishad, Khagaria.

2. The petitioners, who were the employees of Nagar Parishad, Khagaria, rendered their services in different capacities and after satisfactory service, on being superannuated, they have been allowed the pensionary benefits as well as monthly pension. However, all of a sudden the pension of the petitioners have been withheld w.e.f. April, 2020, compelling them to file the present writ petition.

3. It is submitted on behalf of the petitioners that admittedly the petitioners have been paid all the admissible retiral dues and on being superannuated on different dates, monthly pensions have been started in their favour but without any justifiable reason and any show-cause notice or opportunity of hearing, the same has been withheld. The claim of the petitioners is based upon a decision taken by the Empowered Standing Committee, Nagar Parishad, Khagaria as contained in Memo No. 1623 dated 09.08.2018. He next submitted that on



being aggrieved by withholding of monthly pension, the petitioners also filed representation before the Executive Officer, Nagar Parishad, Khagaria, on 15.09.2020 as contained in Annexure-5 to the writ petition but the same has not been considered and disposed of till date.

4. *Per contra*, learned counsel representing the Nagar Parishad, Khagaria, by referring to the averments made in the counter affidavit, has submitted that all the petitioners in the instant writ petition had opted for Contributory Provident Fund (CPF) and accordingly the Nagar Parishad also made regular contribution on its part and the CPF was deposited in their bank accounts regularly and after their superannuation, the same was paid to the petitioners. He further submitted that the pension amount, which has been paid to the petitioners from 01.08.2018 till March, 2020 was, in fact, due to interpretation of the letter as contained in Annexure-1 to the writ petition, albeit, the Empowered Standing Committee had failed to consider the letter no. 6074 dated 19.10.2010, as the same was not within the notice of the Committee at the time of taking the decision with regard to pension of the retired employees.

5. Be that as it may, considering the nature of the dispute and the averments made on behalf of the petitioners that



for redressal of their grievance, they have already filed a detailed representation as contained in Annexure-5 to the writ petition, this Court deems it apt and proper to dispose of the writ petition with a direction to the respondent no.3, the Chief Executive Officer, Nagar Vikash Vibhag, Kagharia to consider and dispose of the representation of the petitioners dated 15.09.2020, preferably within a period of six weeks from the date of receipt/production of a copy of this order.

6. Needless to observe that in case other identically situated persons have been allowed the benefit of pension, the petitioners must be accorded similar benefit(s).

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18-01-2024
Transmission Date	

