

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16041 of 2012

- 1.1. Mostt. Shail Devi W/o Late Raghubar Narayan Prasad Resident of Mohalla- Mittr Library Gali, Lodhipur, Budh Marg, P.S.- Gandhi Maidan, Distt.- Patna.
- 1.2. Manoj Kumar S/o Late Raghubar Narayan Prasad Resident of Mohalla- Mittr Library Gali, Lodhipur, Budh Marg, P.S.- Gandhi Maidan, Distt.- Patna.
- 1.3. Rakesh Kumar S/o Late Raghubar Narayan Prasad Resident of Mohalla- Mittr Library Gali, Lodhipur, Budh Marg, P.S.- Gandhi Maidan, Distt.- Patna.
- 1.4. Smt. Manju Devi D/o Late Raghubar Narayan Prasad, W/o Shri Pradip Kumar Chaurasiya Resident of Mohalla- Turha Toli- Danapur, P.S.- Danapur, Distt.- Patna.
- 1.5. Smt. Anju Kumari D/o Late Raghubar Narayan Prasad, W/o Shri Avdesh Prasad Chaurasiya Residence of Mohalla- Lodipur, P.S.- Gandhi Maidan, Distt.- Patna.
- 1.6. Smt. Rekha Kumari D/o Late Raghubar Narayan Prasad, W/o Shri Raghunath Prasad Chaurasiya Residence of Mohalla- Kuwari, Barrai Tola, P.S.- Hajipur, Distt.- Vaishali.
- 1.7. Smt. Mamta Devi D/o Late Raghubar Narayan Prasad, W/o Shri Vinod Kumar Chaurasiya Residence of Mohalla- Chauck Bazar, Kharadi, P.S.- Bihar Sharif, Distt.- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner-cum- Secretary, Urban Development and Housing Department, New Secretariat, Patna
2. Patna Regional Development Authority (Dissolved)/Patna Municipal Corporation, through City Commissioner, Maurya Lok Complex, Block C, 2nd Floor, Dak Bunglaw Road, P.S.- Kotwali, District- Patna.
3. City Commissioner, Patna Regional Development Authority (Dissolved)/Patna Municipal Corporation Maurya Lok Complex, Block C, 2nd Floor, Dakbunglow Road, Patna-1.
4. The Controller of Finance and Accounts/Patna Municipal Corporation, Maurya Lok Complex, Block C, 2nd Floor, Dakbanglow Road, Patna-1.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shyama Kant Singh, Advocate.
For the Respondent/s : Mr.Ajay, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER



4 27-06-2024 Heard learned counsel appearing on behalf of the petitioners and learned counsel for the State.

2. The petitioners have sought for the following reliefs as prayed for in Para-1 of the writ petition, which are, *inter alia*, reproduced hereinafter:

“That the present writ petition is being preferred by assailing the validity of order as contained vide memo no. 1114 dated 24.02.2012 issued by the City Commissioner, Patna Municipal Corporation whereby and whereunder he was informed that fixation of pay scale under office order no. 126 of 2007 dated 13.12.2007 leading the pay scale of Rs. 5500-9000 is correct and differences of pay scale shall be provided immediately when particularly the said fixation is against the finding recorded by the Bench in L.P.A. No. 304 of 2009 and the analogous cases when the same benefits in same condition should have been extended to the petitioner. As well as further prayer for the grant of balance post retiral dues along with others dues after fixation of the petitioner's pay scale in the 6th fitment pay drawn by him. As well as penal and statutory interest at the delayed payment of the market rate and litigating cost for the unnecessary harassment to the petitioner and for other necessary relief/reliefs to the basis of the facts and circumstances of the case stated hereinafter.”

3. Learned counsel appearing on behalf of the petitioners submits that the relief as prayed for by the petitioners is covered by the ratio and finding recorded by a Division Bench of this Court in L.P.A. No. 304 of 2009 in respect of pay scale applicable to the petitioners. Subsequent to the said judgment passed by the Division Bench, in L.P.A. No. 960 of 2007, vide order dated 04.05.2015, the appeal filed by the State of Bihar has also been allowed and it has been held that it is the



Municipal Commissioner who is liable to pay the dues of their employees and in this regard the Urban Development and Housing Department, Government of Bihar had also requested the Municipal Commissioner, Patna Municipal Corporation vide Letter No. 591 dated 25.01.2016 to ensure filing of counter affidavit in the present writ petition, however, no counter affidavit has been filed.

4. Learned counsel for the State submitted that the order passed by the Division Bench of this Court has already been carried out by the State Government and now payments are required to be paid by the Municipal Commissioner to its employees.

5. Considering the aforesaid submission and information, as well as, order passed by this Court in L.P.A. No. 304 of 2009 and L.P.A. No. 960 of 2007, the Municipal Commissioner is directed to take appropriate action in respect of the relief as prayed for in the present writ petition well within a period of six weeks from the date of communication of this order.

6. The petitioners, if so advised, may also file a detailed representation before the Municipal Commissioner, Patna Municipal Corporation for redressal of his grievance as



prayed for in the present writ petition.

7. The writ petition stands disposed of.

(Purnendu Singh, J)

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