IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2751 of 2021

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Laxminiya Wife of Shiv Nandan Ram Resident of Village- Manpur Bariya, P.S.- Gopalpur Bariya, District- Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The Patna Municipal Corporation, Patna Through it's Commissioner
3. The Commissioner, Patna Municipal Corporation Patna
4. The Executive Officer, Patna City Circle, Patna Municipal Corporation Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Chandram, Adv.
For the PMC	:	Mr. Ranjeet Kumar Pandey, Adv.
For the State	:	Mr. Kinkar Kumar, SC 9 with Mr. Yogesh Kumar, AC to SC 9

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 02-01-2024

Heard Mr. Rakesh Kumar Chandram, learned counsel appearing on behalf of the petitioner and Mr. Ranjeet Kumar Pandey, learned counsel for the Patna Municipal Corporation. Mr. Yogesh Kumar, learned counsel for the State is also present.

2. The petitioner, who had been serving the respondent-Corporation as Sweeper, retired on 30.06.2011 from Patna City Circle of Patna Municipal Corporation, filed the present writ petition seeking a direction upon the respondents to ensure the payment of admissible retiral dues.

3. A counter affidavit has been filed on behalf of the Patna Municipal Corporation and submission has been made that on being superannuated, the petitioner has been paid an amount of Rs.2,97,559/- as part payment of gratuity, earned leave, provident fund and difference of dearness allowance. He further submits that the Patna City Circle of Patna Municipal Corporation has calculated the entire due amount of the petitioner under different heads and an order in this regard has already been issued by the Executive Officer, Patna City Circle vide letter No. 1444 dated 01.09.2021, wherein it has been disclosed that an amount of Rs.3,88,233/- is still due to be paid to the petitioner and for that the Executive Officer, Patna City Circle has also requested the Headquarter for providing the necessary fund so that the payment may be made to the petitioner.

4. It is further averred that so far as revision of pension of the petitioner under 7th Pay Commission is concerned, the same has already been revised vide Memo No. 899 dated 14.05.2020 and the petitioner is getting her pension as per 7th Pay Revision. So far arrears of pension from 01.04.2018 to 30.04.2020 as per 7th Pay Revision is concerned, the same shall be paid along with other dues to the petitioner.

5. Considering the submissions advanced on behalf of the parties and the averments made in the counter affidavit filed on behalf of the respondent Nos. 2, 3 and 4, the present writ petition stands disposed of with a direction to the Patna Municipal Corporation to ensure payment of all the admissible dues as has been disclosed in letter No. 1444 dated 01.09.2021 preferably within a period of 12 weeks from the date of receipt/production of a copy of this order.

6. It is needless to observe that in case admissible payment shall not be made, the officer responsible for the same shall be dealt with appropriately.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	05.01.2024
Transmission Date	