

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11587 of 2023

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Ashok Ram Resident of Pokhra Mohalla, Ambedkar Colony, Hajipur, P.S.-
Hajipur Town, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Urban Development, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Chief Executive Officer, Nagar Parishad, Hajipur, Dist-Vaishali, Bihar.
5. The Chairman, Nagar Parishad, Hajipur, Dist-Vaishali, Bihar.
6. The District Magistrate, Vaishali.
7. The Distirct Provident Fund Officer, Vaishali.
8. The Accountant General, Bihar, Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 11608 of 2023

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Upendra Ram Son of Dinesh Ram, Resident of Pokhra Mohalla, Ambedkar
Colony, Hajipur, P.S.-Hajipur Town, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Urban Development, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Chief Executive Officer, Nagar Parishad, Hajipur, Dist-Vaishali, Bihar.
5. The Chairman, Nagar Parishad, Hajipur, Dist-Vaishali, Bihar.
6. The District Magistrate, Vaishali
7. The District Provident Fund Officer, Vaishali

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 12238 of 2023

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Md. Manjur Alam Son of Nasir Hassan, Resident of Ashiyan Colony, Sanchipatti, Bagmali, Hajipur, P.S. Hajipur Town, Dist-Vaishali, Bihar, Pin-844101.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Urban Development, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Chief Executive Officer, Nagar Parishad, Hajipur, Dist-Vaishali, Bihar.
5. The Chairman, Nagar Parishad, Hajipur, Dist-Vaishali, Bihar.
6. The District Magistrate, Vaishali.
7. The District Provident Fund Officer, Vaishali.
8. The Accountant General of Bihar, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 11587 of 2023)

- For the Petitioner/s : Mr.Vasant Vikas with
Mr. Pranoy Kumar, Advocates
- For the State : Mr. Subhash Prasad Singh (GA 3) with
Mr. Ghanshyam Sharma, AC to GA 3
- For the Nagar Parishad : Mr. Ankit Katriar with
Mr. Deepak Sinha, Advocates

(In Civil Writ Jurisdiction Case No. 11608 of 2023)

- For the Petitioner/s : Mr.Vasant Vikas with
Mr. Pranoy Kumar, Advocates
- For the State : Mr.Yogendra Prasad Sinha (AAG 7) with
Ms. Indira Kumari, AC to AAG 7
- For the Nagar Parishad : Mr. Ankit Katriar with
Mr. Deepak Sinha, Advocates

(In Civil Writ Jurisdiction Case No. 12238 of 2023)

- For the Petitioner/s : Mr.Vasant Vikas with
Mr. Pranoy Kumar, Advocates
- For the State : Mr.Kinkar Kumar (SC 9)
Mr. Ashutosh Kr. Upadhyay, AC to SC 9
- For the Nagar Parishad : Mr. Ankit Katriar with
Mr. Deepak Sinha, Advocates

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 08-02-2024

With the consent of the learned counsel for the
respective parties and taking note of the identical nature of



grievance, all the matters are being heard and disposed of by this common order.

2. In all the writ petitions, the petitioners, who are retired employees of Nagar Parishad, Hajipur, on being aggrieved by the order/letter issued by the Executive Officer, Nagar Parishad, Hajipur, have filed their respective petitions assailing the impugned orders, whereby the claim of the petitioners for pension has been rejected on the ground that the petitioners had not opted for pension within cut off date on 07.06.1993 in terms of the notification dated 29.03.1993.

3. It is submitted on behalf of the petitioners that while they were working on their respective posts under Nagar Parishad, Hajipur, the Bihar Municipal Officers and Servants Pension Rules, 1987 (hereinafter referred to as the 'Rule 1987') came into effect. In terms of rule 4 of the Rule 1987, the Executive Officer, Municipal Corporation, Hajipur vide his letter no. 498 dated 07.06.1993 invited option from all the willing employees, who wanted to avail the benefit of pension scheme, within a period of fifteen days.

4. It is the case of the petitioners that in terms of the aforesaid letter inviting option, the petitioners along with others had opted for the pension through the aegis of their union,



namely Nagarpalika Karamchari Sangh under Bihar Local Bodies Employees Federation, Patna vide letter dated 07.06.1993. Despite the option availed by the petitioners, the benefit of pension scheme under Rule, 1987 has not been allowed and the petitioner superannuated.

5. After some argument, learned counsel for the petitioners submits that in an identical matter, this Court had, in the case of ***Sobha Devi Vs. The State of Bihar & Ors. (CWJC No. 17666 of 2022)*** vide order/judgment dated 28.11.2023, taking note of the order passed by learned co-ordinate Bench of this Court in the case of ***Maruf @ Mahammad Maruf @ Maruf Mian vs. State of Bihar & Others [C.W.J.C. No. 10050 of 2019]*** based upon the judgment rendered by the Hon'ble Supreme Court in the case of ***Sanichari Devi & Ors. vs. Ara Municipal Corporation & Ors. [2015(1) PLJR 370 (SC)]***, disposed of the writ petition with a liberty to the petitioner to file a representation along with the order of the learned co-ordinate Bench of this Court on which parity has been sought for along with the copy of the option filed through the Federation within a period of four weeks.

6. At this juncture, learned counsel for the Nagar Parishad, Hajipur fairly submits that in identical matters, the



employees of the Nagar Parishad have been allowed to represent before the Executive Officer and the same is pending consideration.

7. Considering the submissions advanced on behalf of the parties and taking note of the materials available on record, all these writ petitions are hereby disposed of in terms of the order of this Court dated 28.11.2023 passed in CWJC No. 17666 of 2022.

8. Needless to observe, in case such representation is/are filed, the Executive Officer, Nagar Parishad, Hajipur shall consider the same and pass reasoned and speaking order, preferably within a further period of eight weeks, without being prejudiced by the impugned orders, which are under challenge in all the writ petitions.

9. It is also observed that in case any similarly situated person(s) has been allowed the pensionary benefits, the same shall be accorded to the petitioners.

10. This disposes the writ petitions.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	13.02.2024
Transmission Date	

