

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2041 of 2018

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Nagar Nigam Sevanivrit Karmchari Sangh

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Deputy Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
4. The Accountant General, Bihar, Patna.
5. The District Magistrate, Munger.
6. The Superintendent of Police, Munger.
7. The Mayer, Munger Nagar Nigam, Munger.
8. Nagar Ayukta, Munger Nagar Nigam, Munger.
9. Treasury Officer, Munger.
10. The Officer-in-Charge, Kotwali Police Station, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate
For the Respondent/s : Mr. Yogendra Prasad Sinha -Aag7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-02-2024

The writ petition is filed allegedly in public interest seeking all retired employees of the Munger Municipal Corporation to be paid their pension and other retiral benefits. The learned counsel would point out two interim orders of another Division Bench to further the cause.

2. On 03.05.2019, a Division Bench of this Court



noticed that very minimal pension is paid to the employees and also opined that the State, under Article 38 of the Constitution of India, who has the duty to secure social order for the promotion of the welfare of the people and also to make effort to minimize economic disparities and inequalities among its citizens and certainly the Pension Rules in question; cannot fail on such duty. Quite understanding the contours of Article 38, the Division Bench cautiously did not express further but allowed the State in its Urban Development and Housing Department as well as the Munger Municipal Corporation to address the issue and come up with a reasonable solution. On 19.07.2019, the respondent Nos. 2 and 3 filed a counter affidavit pointing out that a Committee is constituted to examine the issue of pension payable to the retired municipal employees. Again, on 28.02.2019, the recommendation of the four men committee was placed on record.

3. Having gone through the writ petition, we are of the opinion that it is for the State to decide as to whether the recommendations have to be accepted or not. There is absolutely no reason why the writ petition should be kept pending since it is purely a policy matter and this Court cannot enforce the recommendations or direct the State to act one way



or the other in deciding on retiral benefits payable to its employees.

4. In the above circumstances, we dispose of this writ petition leaving it to the State to formulate its policies.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

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CAV DATE	
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