

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.140 of 2022

Om Prakash Thakur Son of Late Gulab Thakur @ Gulab Mistri Resident of
Agrwal Tola, Kedar Nath Math, Near Fazal Colony, P.S.- Alamganj Chawki,
District- Patna- 800004.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The District Magistrate, Patna.
3. The Commissioner, Patna Municipal Corporation, Patna.
4. The Executive Officer, New Capital Circle Patna Municipal Corporation.
5. The Accountant General, Govt. of Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Sushil Kumar Singh, Advocate
For the State	:	Mr. Yogendra Pd. Sinha, AAG-7
		Mr. Rakesh Ambastha, AC to AAG- 7
For the P.M.C		
(Resp nos. 3 and 4)	:	Mr. Ranjeet Kumar Pandey, Advocate
For the A.G.	:	Mr. Ram Yash Singh, Advocate
		Mr. Utkarsh Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 27-06-2024

Heard Mr. Sushil Kumar Singh, learned counsel
appearing on behalf of the petitioner; Mr. Yogendra Pd. Sinha,
learned State counsel; Mr. Ranjeet Kumar Pandey, learned counsel
for the Patna Municipal Corporation representing respondent nos. 3
and 4 and Mr. Ram Yash Singh, learned counsel for the Accountant
General.

2. The petitioner has filed this writ petition seeking the
following relief(s) which has been specified in paragraph no. 1 of the
writ petition as under:-

*“1. That this writ application
is being filed for issuance of an order/s,
direction/s in the nature of mandamus*



commanding upon the respondents to direct them to pay the admitted dues alongwith revised difference of pension amount of Rs. 23,549/- (Twenty Three Thousand Five Hundred Forty Nine Rupees) alongwith areas of payment of Rs. 60,306/- (Sixty Thousand Three Hundred Six Rupees) as family pension to the petitioner with statutory interest thereon till date of payment.”

3. The petitioner is stated to be the son of Late Gulab Mishtri who retired on 31.01.1993 on attaining the age of superannuation from the post of *Pump-Khalasi* from New Capital Circle of Patna Municipal Corporation. After the retirement of petitioner's father, the petitioner's father was receiving pension, who subsequently died on 22.04.2005. After the death of the petitioner's father, the petitioner's mother, namely, Ram Rati Devi received the family pension, who also died subsequently on 08.11.2009. After the death of the petitioner's father as well as mother, it is the case of the petitioner that he came to learn about the arrears of revised pension and family pension for which he approached the respondent authorities. The respondent authorities having not responded favorably to the representation of the petitioner, the petitioner has approached this Court by filing an instant writ petition.

4. Respondent nos. 3 and 4 have filed counter affidavit, wherein, in paragraph Nos. 11 and 12, it has been stated as under:-



"11. That it is stated that arrears of family pension of Late Ramrati Devi from 23.04.2005 to 30.09.2006 has been calculated which comes to Rs. 36,757/- and arrears of pension of Late Gulab Mistri on account of revision from 01.04.1997 to 31.10.2004 has also been calculated which comes to Rs. 23,549/- i.e., total Rs. 60,306/- is due to be paid and for that the Executive Officer, New Capital Circle requested for allotment vide letter no. 858 dated 12.04.2024 so that the admitted due amount may be paid to the petitioner.

12. That it is humbly stated and submitted that after receiving allotment, the admitted due amount shall be paid to the petitioner without any delay. It is relevant to mention here that due to paucity of fund in the Corporation, the due amount of arrears has not been paid till date but same shall be paid immediately after receiving allotment from the headquarter."

5. From perusal of the averments made in paragraph nos. 11 and 12 of the counter affidavit filed by the respondents nos. 3 and 4, it is noticed that the total amount of Rs. 60,306/- is admitted to be due to be paid to the petitioner by the respondent no. 4, Executive Officer, New Capital Circle, being arrears of family pension of Late



Ram Rati Devi from 23.04.2005 to 30.09.2006 and arrears of pension of Late Gulab Mistri on account of revision from 01.04.1997 to 31.10.2004. The aforesaid amount of Rs. 60,306/-, however, could not be paid to the petitioner due to paucity of funds.

6. Since the liability to pay an amount of Rs. 60,306/- have been admitted by the respondents as discussed hereinabove, the respondents, more particularly, the respondent no. 4 is hereby directed to pay the aforesaid amount of Rs. 60,306/- to the petitioner within a period of four weeks from the date of receipt of the certified copy of this order.

7. The writ petition is disposed of with above directions.

(Nani Tagia, J)

Siddharth
Sagar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.06.2024
Transmission Date	NA

