

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14389 of 2024

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1. Badal Kumar Son of Late Harendra R/o Nala Road, Road No. -1, Pani Taki Ke Pass, Harijan Colony, P.S.- Kadam Kuan, Rajendra Nagar, Patna-16, Bihar.
 2. Rani Devi D/o Late Laltiya Devi Resident of House No. 70, Saidpur, Nand Nagar Colony, P.S.- Kadam Kuan Patna-16, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar, through, the Principal Secretary, Urban Development Department, Govt. of Bihar, Patna.
2. The Municipal Corporation, through its Municipal Commissioner, Head Office, Maurya Lok, Patna.
3. The Executive Officer of its respective Circle of Patna Municipal Corporation, Patna.
4. The Municipal Finance and Account Controller, Patna Municipal Corporation, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amit Shankar, Advocate
For the Respondent/s	:	Mr. Sunil Kumar Mandal, SC-13
		Mr. Bipin Kumar, AC to SC-13
For the P.M.C.	:	Mr. Prabhat Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-09-2024 Heard Mr. Amit Shankar, learned counsel appearing on behalf of the petitioners; Mr. Prabhat Kumar, learned counsel appearing on behalf of the Patna Municipal Corporation and Mr. Sunil Kumar Mandal, learned SC-13 along with Mr. Bipin Kumar, learned AC to SC-13 for the State.

2. The petitioners in paragraph no. 1 of the present writ petition have sought *inter alia* following relief(s), which is reproduced hereinafter:



"I. For issuance of an appropriate writ/writs in the nature of mandamus commanding the respondents to immediately grant the interest of revised salary/pension of Fifth, Sixth and Seventh Pay, D.A., A.C.P., Group Insurance for delay . Since the father of petitioner no. 1 and mother of the petitioner petitioner no. 2 are deceased employee.

II. For commanding the Respondents to immediately grant with interest pay the all dues of petitioner no. 2 such as Gratuity, Leave Encashment, G.P.F., Group Insurance, Salary of 24 month, as well as grant the interest of revised salary/Pension of Fifth, Sixth and Seventh Pay, D.A., A.C.P. for delay. Since the Father of petitioner no. 1 and mother of the petitioner no. 2 are deceased employee.

III. For commanding the respondent No.-2 to 4 immediately pay admissible Fifth, Sixth and seventh pay with interest as well as A.C.P., Group Insurance, D.A. on the arrear among with other all dues with interest.

IV. For commanding the respondents to immediately grant and pay all the admitted due to the petitioners with Penal interest the rate of 18% per annum.

V. For any other writ/writs, order/orders, direction/directions of this Hon'ble Court may deem fit and proper as the fact and circumstances of this case."

3. Learned counsel appearing on behalf of the petitioners seeks to file detailed individual representation before the Municipal Commissioner, Patna Municipal Corporation, for claiming retiral benefits as claimed for in the present writ petition in accordance with the order and direction as contained in *order dated 18.03.2013 passed in CWJC No. 14402 of 2006 (Lallan Prasad & Ors. vs. The State of Bihar through the Chief Secretary, Old Secretariat, Patna & Ors.), order dated 20.01.2015 passed in L.P.A. No. 1620 of 2013 (The State of Bihar through the Chief Secretary, Old Secretariat, Patna & Ors. vs. Lallan Prasad & Ors.), order dated 12.04.2018 passed in CWJC No. 9552 of 2017 (Shyam Sundar Mishra & Ors. vs.*



The State of Bihar through the Principal Secretary, Govt. of Bihar, Urban Development Department of Bihar, Patna & Ors.) and order dated 21.08.2023 passed in CWJC No. 3514 of 2023 (Mahavati Devi & Ors. vs. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna & Ors.). Learned counsel further submitted that the respondents are also liable to make payment of interest for delay in making payment of the retiral dues.

4. Mr. Prabhat Kumar, learned counsel appearing on behalf of the Patna Municipal Corporation informs that the petitioners will be paid retiral dues to which they are entitled for in accordance with law but due to financial paucity, which the Patna Municipal Corporation is facing, the Patna Municipal Corporation is not in a position to make payment of interest to the petitioners.

5. Having considered the rival submissions made on behalf of the parties, as well as, the specific relief sought for in the present writ petition, for which the petitioners seek to file detailed comprehensive individual representation before the Municipal Commissioner, Patna Municipal Corporation, the Municipal Commissioner, Patna Municipal Corporation, is directed to call for the service particulars of the deceased



employee and take a conscious decision to make payment of
retiral dues to which the petitioners are entitled for along with
interest for delay in making payment of the retiral dues to the
petitioners in accordance with law laid down by the Apex Court
in case of *State of Kerala vs. M. Padmanabhan Nair* reported
in *(1985) 1 SCC 429* and *D.D. Tewari vs. Uttar Haryana Bijli*
reported in *(2014) 8 SCC 894*.

7. With aforesaid observations/directions, the present
writ petition is disposed of.

(Purnendu Singh, J)

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