

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.977 of 2020

In
Civil Writ Jurisdiction Case No.12423 of 2018

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Saraswati Devi W/o Late Manohar Ram Resident of Village- Laxmisagar Basi
Tola, P.S.- Madhubani, District- Madhubani.

... .. Petitioner/s

Versus

1. Mr. Anand Kishore, The Principal Secretary, Urban Development and Housing Department Govt. of Bihar, Patna.
2. Mr. Ashutosh Anand Choudhary, The Executive Officer, Nagar Parishad, Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ashutosh Kumar Jha, Adv.
For the State	:	Mr.Yogendra Prasad Sinha , AAG-7
For the Opposite Party No. 2	:	Mr. Nilendu Kumar Chaudhary, Adv. Mr. Rahul Dubey, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 27-06-2025 The learned counsel appearing for the Municipal Commissioner, Municipal Corporation, Madhubani, submits that the entire retiral benefits of the petitioner has stood paid and the due amount of arrears of salary in terms of 5th and 6th Pay Revision Commission Recommendations has also stood paid as is apparent from paragraphs no. 5 to 9 of the show cause filed in the present case, which are reproduced hereinbelow:-

“5. That the petitioner was entitle of provident fund, amounting 24,078/- (Twenty-four thousand seventy-eight rupee), gratuity amounting 1,70,280/- (One Lakh seventy thousand two hundred eighty rupee), leave encashment amounting 83,248/- (Eighty-



three thousand two hundred forty-eight rupee) which had already been to the petitioner through cheque no. 557382, 419238, 556820, 586891, 016890, 1908129935, 557450 and 1908129935 respectively on different dates.

6. That according to letter dated 27.12.2018, the Deputy Secretary of Urban Development Department issued a direction that the benefit of 5th Pay Revision Commission will be given from 01.04.1997 and the benefit of 6th pay Revision Commission will be given from 01.04.2007. Accordingly, direction was passed by the opposite parties in Memo No. 850 dated 26.08.2022.

7. That 1,45,292/- (One Lakh Forty-Five Thousand Two Hundred Ninety-Two Rupees) was an arrear of salary due to Fifth Pay Revision Commission which was paid to Cheque No. the petitioner on 08.10.2022 through 2210287817. So, this way all the payments except the arrear that has come due to Sixth Pay Revision Commission has already been paid.

8. That so far as the arrear due to Sixth Pay Revision Commission is concerned by Memo No. 850 dated 26.08.2022, a decision has been taken by the Municipal Corporation Madhubani that due to lack of fund the arrear for the Sixth Pay Revision Commission will be paid in 10 Installments on half yearly basis.

9. That there was arrear of 2,06,212/- (Two lakh six thousand two hundred twelve rupee) due to Sixth Pay Revision Commission. 10% of it that 20,621/- has already been paid to the petitioner on 25.11.2022



through Cheque No. 2211373156. The rest amount will be paid according to the decision taken in Memo No. 850 dated 26.08.2022.”

2. This Court finds that no rejoinder affidavit has been filed by the petitioner, hence the aforesaid stand put forth by the Municipal Corporation, Madhubani, stands unrebutted. Thus, this Court does not deem it fit and proper to proceed any further in the matter, hence the present contempt petition stands disposed off.

(Mohit Kumar Shah, J)

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