

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1790 of 2017

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1. Safayee Mazadur Karamchari Sangh and Anr S/o Sri Ramesh Paswan, resident of Mohall-Loko Colony, Railway Quarter No. 243g, P.S.-jamalpur, District- Munger.
 2. Indradeo Das, S/o late Fakir Das, Resident of Village- Brahmsthan, P.O. P.S.-Bariarpur, District Munger, mantri, Safayee Mazadur Sangh, Nagar parishad Jamalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
4. The Deputy Secretary, Urban Development and Housing department, Govt. of Bihar, Patna
5. The District Magistrate, Munger, District- Munger.
6. The Chairman, Nagar Parishad Jamalpur, P.S.-Jamalpur, District-Munger.
7. The Nagar Parishad Jamalpur through its Executive Officer, Nagar Parishad Jamalpur, Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Advocate
For the Respondent/s : Mr. Kinkar Kumar (SC-9)
Mr. Rakesh Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

11 16-01-2025 Heard Learned Counsel for the petitioners, Learned Counsel for State and Learned Counsel for Nagar Parishad, Jamalpur.

2. The present writ petition has been filed for the following relief/s:-

I. For directing the respondent authorities to pay the difference of salary in terms of 5th Pay Commission



recommendation from 01.04.1997 to 31.12.2005 and further benefits of 6th Pay Commission recommendation from 01.01.2006.

3. Learned Counsel for the petitioners submits that in presence of both the parties, this Hon'ble Court has pleased to pass specific order on 11.09.2017 which states as follows:-

“Two fold prayer has been made by the petitioners in the present writ petition namely: (a) for grant of benefit under the 5th Pay Revision with effect 1.4.1997 to 31.12.2005; and (b) to pay the benefit of 6th Pay Revision with effect from 1.1.2006.

A supplementary counter affidavit has been filed today enclosing a resolution dated 30.3.2011 of the Nagar Parishad, Jamalpur. It is informed by Mr. Rakesh Kumar Sinha, learned counsel for the Jamalpur, Nagar Parishad that the 5th Pay Revision was already implemented in the Nagar Parishad with effect from 1.2.2011 and the petitioners are already deriving benefit therefrom.

In so far as grant of benefit under the 6th Pay Revision is concerned, it is stated at para 5 of the supplementary counter affidavit filed on behalf of the Executive Officer, Jamalpur that it



cannot be granted without approval of the State of Bihar. Contesting this position Mr. Siya Ram Shahi learned counsel for the petitioners has invited the attention of this Court to Annexure-7 of the writ petition which is letter of the Deputy Secretary, Urban Development and Housing Department dated 4.9.2015 addressed to all heads of the Urban Local bodies, granting approval for implementation of the 6th Pay Revision in the Urban local bodies subject to the stipulations present therein.

Mr. Kinker Kumar learned S.C. 8 in reference to the supplementary counter affidavit filed on behalf of the Urban Development and Housing Department today has invited the attention of this Court to Annexure-R2/F to submit that the position has been reiterated by Memo No. 2723 dated 13.4.2017 of the Principal Secretary, Urban Development and Housing Department and which resolution also accompanies the fitment scale of the staff of the Nagar Parishad consequent on such revision.

According to Mr. Kinkar Kumar in view of the position existing at Annexure-7



which is reiterated in the resolution dated 13.4.2017 of the Urban Development and Housing Department at Annexure-R2/F to the supplementary counter affidavit filed today, it is for the Nagar Parishad to take a final decisions thereon and it is an abdication of responsibility by the Executive Officer in taking refuge under paragraph 5 of the supplementary counter affidavit filed by him today.

Let the Executive Officer, Nagar Parishad, Jamalpur file his affidavit in the light of the position noted hereinabove in so far as implementation of the 6th Pay Revision in the Nagar Parishad is concerned and allowing time to Mr. Sinha for the purpose, put up this case on 6.10.2017 within 10 cases under the same heading”

4. Learned Counsel for the petitioners further submits that after passing of the said order, supplementary counter affidavit has been filed by the Counsel for Nagar Parishad, Jamalpur. Counsel submits that Annexure-G is an order contained in Memo No.3495 dated 04.10.2017 in which the Executive Officer, Nagar Parishad, Jamalpur has accepted the 6th Pay Revision and also ready to pay the difference of arrears, but



till date, i.e. after lapse of 7 years, it has not been implemented in any manner. Counsel further submits that contents of Annexure-G states as follows:-

“माननीय उच्च न्यायालय, पटना में दायर रीट CWJC No.1790/2017 सफाई मजदूर कर्मचारी संघ बनाम बिहार राज्य एवं अन्य में पारित न्यायादेश दिनांक 11.09.2017 एवं सफाई मजदूर कर्मचारी संघ, नगर परिषद जमालपुर से दिनांक 01.04.2016 को हुए समझौता के आलोक में नगर परिषद जमालपुर के कार्यालय कर्मियों एवं सफाई मजदूरों का छूटा वेतनमान सशक्त स्थायी समिति एवं नगर परिषद बोर्ड की स्वीकृति की प्रत्याशा में माह मई- 2016 से लागू कर वेतन के आर्थिक लाभ का भूगतान की स्वीकृति माह सितम्बर- 2017 से दिया जाता है। चूँकि नगर परिषद की आर्थिक स्थिति काफी दयनीय है। विभागीय संकल्प सं0- 2723 दिनांक 13.04.17 के कंडिका- 06 के आलोक में अंतर वेतन के बकाए राशि का भुगतान नगर परिषद की आर्थिक स्थिति सुदृढ़ होने पर आसान किस्तों में की जाएगी।”

5. Learned Counsel for Nagar Parishad, Jamalpur submits that after passing order by the Executive Officer which is Annexure-G, there was no occasion of any hearing in the present writ petition. As such, he is not in a position to apprise



this Court that whether this order has been implemented or not.

6. Upon specific query of the Court from Counsel for the petitioners, Counsel for petitioners submits that the petitioners shall satisfy when the decision made in Annexure-G shall be implemented in true spirit.

7. After hearing the arguments of the parties, it transpires to this Court that Executive Officer, Nagar Parishad, Jamalpur has passed an order contained in Memo No.3495 dated 04.10.2017 mentioned above and 7 years have already been lapsed and in view of this Court, the Executive Officer, Nagar Parishad, Jamalpur has to implement it within a stipulated period of time.

8. This Court hereby directs the Executive Officer, Nagar Parishad, Jamalpur to implement the said order i.e. Annexure-G attached with the writ petition within a period of six months from today.

9. Accordingly, with the aforesaid direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

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