

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14691 of 2023**

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Suresh Ram @ Suresh Mehtar S/O Aklu Mehtar Resident of Ward No. 02,  
P.O.and P.S.- Ramchandarpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary cum Commissioner,  
Urban Development and Housing Department, Government of Bihar, Patna.
2. The Municipal Commissioner, Samastipur Municipal Corporation,  
Samastipur.
3. The Standing Committee through the Chairman, Municipal Corporation,  
Samastipur.

... .. Respondent/s

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with  
**Civil Writ Jurisdiction Case No. 14233 of 2023**

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Darogi Malik S/o Ghuran Malik, Resident of Ward No. 08, Lagunia Suraj  
Kanth, P.O. and P.S.- Lagunia Suraj Kanth, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary cum Commissioner,  
Urban Development and Housing Department, Government of Bihar, Patna.
2. The Municipal Commissioner, Samastipur Municipal Corporation,  
Samastipur.
3. The Standing Committee, through the Chairman, Municipal Corporation,  
Samastipur.

... .. Respondent/s

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with  
**Civil Writ Jurisdiction Case No. 14690 of 2023**

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Kaushalya Devi H/O Jawahar Ram, Resident of Masjid, Kashipur, Ward No.  
07, P.O. and P.S. - Samastipur, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary cum Commissioner,  
Urban Development and Housing Department, Government of Bihar, Patna.
2. The Municipal Commissioner, Samastipur Municipal Corporation,  
Samastipur.
3. The Standing Committee through the Chairman, Municipal Corporation,  
Samastipur.



... .. Respondent/s

with

**Civil Writ Jurisdiction Case No. 1455 of 2024**

Ranju Devi W/o Sanjay Malick, Resident of Ward No. 08, P.O. and P.S.-  
Lagunia Suraj Kanth, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary cum Commissioner,  
Urban Development and Housing Department, Government of Bihar, Patna.
2. The Municipal Commissioner, Samastipur Municipal Corporation,  
Samastipur.
3. The Standing Committee through the Chairman, Municipal Corporation,  
Samastipur.

... .. Respondent/s

with

**Civil Writ Jurisdiction Case No. 4767 of 2024**

Subodh Devi W/o Bhupendra Chadhari, Ward No. 14, P.O. and P.S. -  
Kashipur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary cum Commissioner,  
Urban Development and Housing Department, Government of Bihar, Patna.
2. The Municipal Commissioner, Samastipur Municipal Corporation,  
Samastipur.
3. The Standing Committee through the Chairman, Municipal Corporation,  
Samastipur.

... .. Respondent/s

with

**Civil Writ Jurisdiction Case No. 4803 of 2024**

Nirbhay Kant Kumar S/o Hemkar Kumar Raghobur Narsanda, Vaishali  
Kumar Bajitpur District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Cum Commissioner,  
Urban Development and Housing Department, Government of Bihar, Patna.
2. The Municipal Commissioner, Samastipur Municipal Corporation,  
Samastipur.



3. The Standing Committee through the Chairman, Municipal Corporation Samastipur.

... .. Respondent/s

with  
**Civil Writ Jurisdiction Case No. 4064 of 2025**

Shanti Devi W/o Suresh Ram Ward No.7,P.O. and P.S.- Kashipur, District-Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Cum Commisioner, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Municipal Commissioner, Samastipur Municipal Corporation, Samastipur.
3. The Standing Committee through the Chairman, Municipal Corporation, Samastipur.

... .. Respondent/s

**Appearance :**

(In Civil Writ Jurisdiction Case No. 14691 of 2023)

For the Petitioner/s : Mr. Vikash Kumar Jha, Adv.  
For the State : Mr. Ranjay Kumar Singh, AC to SC 6  
For the Municipal Corporation : Mr. Prince Kumar Mishra, Adv.

(In Civil Writ Jurisdiction Case No. 14233 of 2023)

For the Petitioner/s : Mr. Vikash Kumar Jha, Adv.  
For the State : Mr. Ashutosh Kr. Upadhyay, AC to SC 9  
For the Municipal Corporation : Mr. Prince Kumar Mishra, Adv.

(In Civil Writ Jurisdiction Case No. 14690 of 2023)

For the Petitioner/s : Mr. Vikash Kumar Jha, Adv.  
For the State : Mr. Yogendra Pd. Sinha, AAG 7  
For the Municipal Corporation : Mr. Prince Kumar Mishra, Adv.  
Mr. Ashok Kumar, Adv.

(In Civil Writ Jurisdiction Case No. 1455 of 2024)

For the Petitioner/s : Mr. Vikash Kumar Jha, Adv.  
For the State : Mr. Mujtabaul Haque, GP 12  
For the Municipal Corporation : Mr. Prince Kumar Mishra, Adv.

(In Civil Writ Jurisdiction Case No. 4767 of 2024)

For the Petitioner/s : Mr. Vikash Kumar Jha, Adv.  
For the State : Mr. Ravi Kumar, AC to GP 13  
Mr. Akshay Lal Prasad, AC to GP 13  
For the Municipal Corporation : Mr. Prince Kumar Mishra, Adv.

(In Civil Writ Jurisdiction Case No. 4803 of 2024)

For the Petitioner/s : Mr. Vikash Kumar Jha, Adv.  
For the State : Mr. Mujtabaul Haque, GP 12  
For the Municipal Corporation : Mr. Prince Kumar Mishra, Adv.



(In Civil Writ Jurisdiction Case No. 4064 of 2025)

For the Petitioner/s : Mr. Vikash Kumar Jha, Adv.  
For the State : Mr. Manoj Kumar, AC to GP 4  
For the Municipal Corporation : Mr. Prince Kumar Mishra, Adv.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 09-05-2025**

Heard the parties.

2. Considering the identical grievance raised in all the writ petitions, with the consent of the parties, the matters are being heard together and disposed off by this common order.

3. The petitioners before this Court are either Class IV employees or their legal heirs, who have invoked the jurisdiction of this Court seeking a direction upon the respondent Nagar Parishad, Samastipur (at present Municipal Corporation, Samastipur) for extending the admissible retiral benefits/death-cum-retiral benefits/other dues, after proper verification of their service record. The grievance are also with regard to the non payment of arrears of difference of amount in terms of revised 5<sup>th</sup> and 6<sup>th</sup> Pay Revision.

4. Counter affidavits as well as supplementary counter affidavits have been filed in many of the case with categorical averments that on verification of available records and the papers, the substantive amounts have been paid to some of the employees and in fact some of the cases, it is stated that



the entire substantive amounts have been paid. However, learned Advocate for the Municipal Corporation, Samastipur, Mr. Prince Kumar Mishra fairly submitted that in cases of some of the petitioners, the service books are not available in the office of the Municipal Corporation, Samastipur, hence the due payments have been made based upon the available documents or the documents produced by the erstwhile employee.

5. Learned Advocate for the petitioners at this juncture submitted that it is very difficult to accept the contention of the learned Advocate for the Municipal Corporation, Samastipur, as to how the calculation of retiral benefits have been computed in absence of service book of the petitioners and payments have been made. It has not been denied that the petitioners have discharged the satisfactory services in the Municipal Corporation, Samastipur. The petitioners/erstwhile employees after rendering long satisfactory services came to be superannuated and thus in any view of the matter they are entitled to get at least the admissible retiral benefits, death-cum-retiral benefits and other dues. It is lastly contended that in one of the matter (Dashrath Ram), who also came to be superannuated like the petitioners, approached this Court in CWJC No. 15331 of 2023, wherein this Court had



directed the Municipal Commissioner, Samastipur to take all endeavours to ensure the recasting of the service book of the petitioner and after receipt of the guidelines by the State Government, make necessary payment of all the admissible dues, on the basis of the newly reconstructed service book.

6. Learned Advocate for the Municipal Corporation, Samastipur Mr. Prince Kumar Mishra has further contended that with respect to some of the petitioners the service books are still available in the office, based upon which the payments have been made.

7. Considering the submissions advanced on behalf of the respective parties, this Court deems it proper to dispose off all the writ petitions with a direction to the Municipal Commissioner, Samastipur to consider the claim of the petitioners afresh and ensure admissible retiral benefits and other dues. It is made clear that with respect to the petitioners whose service books are available in the office, in such cases, the respondents are required to re-examine their claims and pass fresh orders considering the admissibility and the respective payment, and if any amount is found admissible, ensure the payment of the same. So far the cases, relating to some of the petitioners, whose service books are not available,



the authorities shall take sincere endeavour to re-cast/re-construct the service book and ensure payment of admissible dues.

8. The entire exercise must be completed, preferably within a period of 12 weeks from the date of receipt/production of a copy of this order.

9. The writ petitions stand disposed of.

**(Harish Kumar, J)**

Anjani/-

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