

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10000 of 2021

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Santosh Kumar, S/o Late Rajeshwar Prasad, Resident of Mohalla - Premganj,
Ward No. - 7, P.O. and P.S. - Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Nagar Vikash and Awas Department, Government of Bihar, Patna.
2. The Principal Secretary, Nagar Vikash and Awas Department, Government of Bihar, Patna.
3. The District Magistrate, Vaishali at Hajipur.
4. The Executive Officer, Lalganj Nagar Panchayat, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satya Prakash Sinha, Advocate
For the Respondent/s	:	Mr. AC to SC- 6
For the Resp. No. 4	:	Mr. Surendra Kishore Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 07-07-2026

Heard learned Advocate for the respective parties.

2. A supplementary affidavit has been filed on behalf of the petitioner with a categorical averment that once the original petitioner superannuated in the month of January, 2017, on 06.02.2017 requested the authorities for his pension and instead of considering his claim for pension, amount under the head of Contributory Provident Fund has been deposited in the account of the father of the petitioner and when the same was informed to the authorities concerned, no action has been taken.

3. It is the specific contention of the petitioner that till date, the amount has not been withdrawn and the petitioner



is ready to return the said amount. It is further submitted that as per resolution of the Board of Nagar Panchayat Lalganj dated 02.03.2013 and 09.03.2016, the pension of the employees of the Nagar Panchayat Lalganj is payable, but despite the repeated request, the claim of the original petitioner for pension has not been considered, in the meanwhile, the erstwhile employee also died on 25.01.2025 and now the son of the original petitioner is pursuing this litigation.

4. Learned Advocate for the respondent no.4 prays for a further two weeks' time to seek instruction and apprise this Court with respect to the statements made in the supplementary affidavit filed on behalf of the petitioner.

5. Learned Advocate for respondent no.4 submits that since the amount of Contributory Fund has already been credited in the account of the original petitioner, therefore, the respondent authorities are unable to consider his case for pension.

6. Be that as it may, considering the submissions advanced by the learned Advocate for the petitioner that till date, the amount of CPF has not been withdrawn and in terms with resolution dated 02.03.2013 and 09.03.2016, the petitioner is entitled to get pension, in case he does not withdraw the CPF



amount, it is apt and prudent to direct the respondent no.4 to consider the claim of the father of the petitioner afresh in view of the averments made in the supplementary affidavit preferably within a period of eight weeks from the date of receipt/production of a copy of this order and pass appropriate order in accordance with law.

7. With the aforesaid direction, the present writ petition stands disposed of.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.07.2026
Transmission Date	NA

