# IN THE HIGH COURT OF JUDICATURE AT PATNA
**Civil Writ Jurisdiction Case No.7824 of 2026**

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Gopal Prasad Yadav S/o Rameshwar Yadav, R/o Khoja Bazar, P.S.- Kotwali, District- Munger.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The District Magistrate, Munger.
3. The Chairman, Municipal Corporation, Munger.
4. The Municipal Commissioner, Municipal Corporation, Munger.

... ... Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Anjan Singh, Advocate |
| For the State | : | Mr. Alok Ranjan, AC to AAG 5 |
| For respondents no.3&4 | : | Mr. Kamal Nath Sahay, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**
**ORAL JUDGMENT**
**Date : 27-07-2026**

Heard learned counsel appearing on behalf of the petitioner; learned counsel for the respondents and learned counsel for respondents no.3 and 4.

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

> *"That this writ application is being filed on behalf of the petitioner for issuance of writ or writs/order or orders/direction or directions in the nature of writ of Mandamus, directing the respondents to pay the retiral dues of the petitioner writ statutory interest to the petitioner which are as follows:-*
>
> *(I) Difference of amount of pay from 01.04.1997 to March, 2007 in accordance with 5th Pay Revision.*
>
> *(iii) Difference of amount of pay from April 2017 till date of retirement i.e. 31.08.2025 as per 7th Pay Revision.*
>
> *(iv) Amount of P.F. with upto date interest which has been deducted from salary of the petitioner.*

*(v) Difference of amo0unt of Gratuity and unutilized leave as per 7th Pay Revision."*

3. Learned counsel appearing on behalf of the petitioner referring to paragraphs no.6, 7, 8 and 10 of the counter affidavit submitted that the respondents have admitted that as soon as the funds are made available, the petitioner will be paid a sum of Rs.6,69,152/- for which, bills have also been prepared but at the same time, they have given contrary information in paragraphs no.9 and 11 to the extent that they have denied the benefit of 7th Pay Revision without any basis. Learned counsel further submitted that the yearly audit of the Municipality is being conducted and the audited balances sheet in respect of the accounts shows that there are sufficient fund pending with the Munger Municipality but the officers are not inclined to make payment to the petitioner, putting the petitioner to face hardship of severe magnitude.

4. *Per contra*, learned counsel appearing on behalf of the Munger Municipal Corporation submitted that it is not the case that the respondents have not admitted the cause of the petitioner, who had retried on 31.08.2025, as in respect of the petitioner's admitted dues, bills have been prepared but due to financial constraint, the same could not be paid to the petitioner. He, however, informs that he has received instruction that the

said amount will be soon paid to the petitioner in near future.

5. Having heard the rival submissions made on behalf of the parties, as well as, having considered the fact that the petitioner has raised the very issue that the Municipality is being subjected to yearly audit and the accounts are well prepared, I find that once the respondents have admitted that the petitioner is entitled for a sum of Rs.6,69,152/-, the same is required to be paid forthwith to the petitioner, so that the petitioner and his family may not face any further hardship, as a result of his retirement because pension is not a bounty rather is the property, as defined under Article 300 A of the Constitution of India. Law in this regard is well settled by the Apex Court in cases of **D.S. Nakara & Others Vs. Union of India** reported in **(1983) 1 SCC 305 and State of Jharkhand & Ors. Vs. Jitendra Kumar Srivastava & Anr.,** reported in **AIR 2013 SC 3383.**

6. The writ petition stands disposed of.

**(Purnendu Singh, J)**

Sanjay/-

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| **AFR/NAFR** | NAFR |
| **CAV DATE** | NA |
| **Uploading Date** | 31.07.2026 |
| **Transmission Date** | 31.07.2026 |