

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9636 of 2024

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Md. Alauddin S/o Md. Tahir, Ward No. 02, Pusa Road, P.O. and P.S.-
Dharampur, 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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Appearance :

For the Petitioner/s : Mr.Vikash Kumar Jha
For the Respondent No.2: Mr.Prince Kumar Mishra
Ms.Priyanka Kumari

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 22-01-2026 Heard learned counsel for the petitioner as well as

learned counsel representing the Corporation as well as the

State.

2. The petitioner has filed this writ petition with the

following relief(s):-

“(i) For issuance of a writ in the nature of writ of mandamus directing and commanding the respondents authorities to make payment of all retiral benefits of the petitioner payable to him under different heads like as provident fund, gratuity, leave encashment, GIC etc. after fixing the pay and pension accordingly in the light of revised fifth and sixth pay scale including the arrears amount of revised salary and pension with interest and calculation chart as the



petitioner has been ordered to be retired with effect from 31/07/2011, as an Sweeper, from the service of Nagar Parishad Samastipur at Present Municipal Corporation, Samastipur.

(ii) For issuance of any other consequential writ / order/direction to the respondents for which the petitioner is found to be entitled to under the facts and circumstances of the case.”

3. Learned counsel representing the Corporation submits that the records are missing and, therefore, pensionary benefits have not been released in favour of this petitioner and the final order has not been passed.

4. At this stage, learned counsel for the petitioner relied on certain orders passed by a co-ordinate Bench of this Court, wherein similar stand was taken by the Corporation and the Court was pleased to pass order directing the respondents to pay the retiral dues at the rate of 9% per annum from the date of retirement till the date of actual payment. He further submits that this writ petition may also be disposed of in light of the aforesaid orders.

5. Learned counsel for the respondents-Corporation submits that he would examine the case of the petitioner along with the orders of C.W.J.C. No.10632 of 2019 as well as C.W.J.C. No. 10633 of 2019 passed in the case of *Ram Sevak Paswan and Lalan Prasad Singh*, respectively, and if his case is



found similar to that of those writ petitioners, necessary order shall be passed within a period of eight weeks from the date of submission of a representation with a copy of this order.

6. Needless to say that during pendency of the writ petition, if certain amounts under different heads have already been released then such amount shall be indicated in the final order, which is expected to be passed by the Executive Officer or by the authorities of the Municipal Corporation, competent in law by referring to the supportive materials, with respect to the amounts settled in favour to the petitioner in question.

7. Accordingly, the instant writ petition stands disposed of.

(Ajit Kumar, J)

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