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(1999) 06 PAT CK 0021

In the Patna High Court

Case No : C.W.J.C. No. 10966 of 1998

Surat — APPELLANT

Vs

Patna Municipal Corporation and Others — RESPONDENT

Date of Decision : 25-06-1999

Acts Referred:

Citation : (1999) 3 BLJR 2135

Hon'ble Judges : Choudhary S.N. Mishra, J

Bench : Single Bench

Judgement

Choudhary S.N. Mishra, J.—This relates to the payment of the retiral dues to the petitioner who retired from the service on 30-6-94. This is the second attempt on behalf of the petitioner for grant of relief sought for in the writ application. The petitioner came to this Court earlier in C.W.J.C. No. 2794/96 which was disposed of on 14-3-96, with a direction to pay the admitted dues to the petitioner within the time mentioned therein. Accordingly the petitioner filed representation before the respondent-Corporation and, pursuant thereto, the order dated 17th September, 1997 was passed, a copy of which is made Annexure-3 to this writ petition. From the order, it appears that the entire amounts to the tune of Rs. 48,596.20 has been paid to the petitioner and only a sum of Rs. 300/- is due to him and for which the bank draft No. 058 dated 29-9-97 is ready for payment. The grievance of the petitioner is that the calculation made by the respondent-Corporation is not correct and the actual amount payable to the petitioner is Rs. 1,01,053 as per the calculation shown in Annexure-4 to this writ petition.

2. Having regard to the statements made in the counter-affidavit, this Court sitting in its writ jurisdiction at this stage is not in a position to pass any positive order with reference to the prayer made in this writ application. Accordingly, the petitioner, if so advised, may file a comprehensive representation before the respondent-Administrator who will hear the petitioner and/or his representative and dispose of the same by a speaking order in accordance with law, without being prejudiced by the order of this Court, within six weeks from the date of

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filing of such representation. Pursuant thereto if the claim of the petitioner is found to be genuine, he must be paid accordingly within for weeks thereafter. It goes without saying that the petitioner will be at liberty to raise the points which have been raised in this writ petition including the age of superannuation.

3. This disposes of the writ application.

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