

Patna High Court - Orders

Kashi Prasad vs The Patna Municipal Corporatio on 30 September, 2011

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17215 of 2011
Kashi Prasad S/O late Kailash Singh, resident of Mohalla
Pathrighat, P.S. Alamganj, P.O. Gulzarbagh, District Patna.
... Petitioner.

Versus

1. The Patna Municipal Corporation through its Commissioner-cum-Chief Executive Officer, Mourya Loke, Patna.
 2. The Commissioner-cum-Chief Executive Officer, Patna Municipal Corporation, Mourya Loke, Patna.
 3. The Executive Officer, Bankipur Anchal, patna Municipal Corporation, Patna.
 4. The Accounts Officer, Patna Municipal Corporation, Patna.
- ... Respondents.
-

3. 30.9.2011. Heard Shri Pankaj Kumar Sinha, learned counsel for the petitioner. Today again, none appeared on behalf of the respondent/Patna Municipal Corporation.

On earlier occasion also, none had appeared on behalf of the respondent/Municipal Corporation despite the fact that copy of the writ petition was already served on learned counsel for the respondent/Patna Municipality before filing of the writ petition. It is further evident from order dated 29.9.2011 that since on 28.9.2011, none appeared on behalf of the respondent/Municipal Corporation, the case was passed over for the day.

Learned counsel for the petitioner submits that he had personally informed the learned counsel for the respondent/Municipal Corporation. Even then, he had not appeared on 29.9.2011. Similarly, today none appeared on behalf of the respondent/Patna Municipal Corporation.

The petitioner, who retired on 31.5.2011 as Assistant (Legal Cell) from Head Office, Patna Municipal Corporation, Patna, has prayed for directing the respondents to make payment of all his retiral dues. It was submitted that till date, nothing has been paid to the petitioner. After retirement, since payment was not made, it was submitted that petitioner filed representation before respondent no.2/The Commissioner-cum-Chief Executive Officer, Patna Municipal Corporation for making payment, particularly on the ground that he was in urgent need of money for his medical treatment and also it was alleged that in similarly circumstances, payment was made to one another employee.

In view of the facts and
circumstances, particularly the fact that
none had appeared on behalf of the

respondents, the court has got no option but to decide the matter on the basis of materials available on the record. Fact remains that petitioner retired from the Municipal Corporation and nothing has

been paid to the petitioner.

Accordingly, the writ petition stands allowed with a direction to respondent no.2 to make payment of all the retiral dues of the petitioner within a period of six weeks form the date of receipt/production of a copy of this order.

N.H./

(Rakesh Kumar, J.)