

way of grant and loan, but now a decision has been taken not to give any more assistance to the Corporations and instruction has been given to raise their own funds for payment of pensionary benefits as well as salary.

5. This case has got a chequered history. Earlier writ petitions were filed being W.P.(S) No. 888 of 2009 and W.P.(S) No. 3440 of 2011, in which, same issue cropped up regarding payment of pensionary benefits to the retired employees of the Corporation of Hazaribag and Ramgarh. Even after specific direction to pay the benefits, the same was not paid and thereafter contempt applications were filed, as Cont. Case (Civil) No. 116 of 2015 with Cont. Case (Civil) No. 179 of 2015. In those contempt applications, same stand was taken by the respondent-State (Urban Development Department, Govt. of Jharkhand) that Municipal bodies have to generate their own funds for payment of pensionary benefits. Thereafter, this Court directed the Secretary, Urban Development Department to appear in the Court physically and show cause notice was also issued as to why a contempt proceeding be not initiated against him for non-payment of the pensionary benefits and only thereafter, the payments were made.

6. Mrs. Darshana Poddar Mishra, learned AAG-I has drawn the attention of the Court towards the order dated 20.4.2018 passed in Cont. Case (Civil) No. 116 of 2015 with Cont. Case (Civil) No. 179 of 2015 and submits that this Court had observed that it is the Corporation, who has to make payments of any further balance towards the head of post retirement benefits, if remaining.

7. Admittedly, no amount was paid by the Corporation to its employees in the head of pensionary benefits. Here in the case the Executive Officers, who are high ranking Officers of the Municipal Corporation have stated in the Court that they are not in a position to pay the pensionary benefits in absence of any fund. On several occasions, this matter has been brought to the knowledge of the Secretary of the Department as well as other officers of the State, but no heed had been paid. Till date, the only stand of the Urban Development Department is that sufficient instructions have been given to the Local Bodies to generate their own funds to make payment to the employees. It is a glaring example where it can be said that when Rome was burning, Nero was playing the flute. Retired employees of the Corporation are

suffering and the High Ranking Officers of the Local Bodies are writing letters to the Secretary of the Department sitting in the air conditioned rooms in the Secretariat for release of fund. After repeated orders passed by this Court, nothing has been paid as pensionary benefits. It has been brought to the knowledge of the Court and the record also shows that the entire assets of the Local Bodies were taken over by the State i.e. the Urban Development Department in 2016 itself. When the entire assets have already been taken over by the State Government where is the question of generating own fund by the Corporation. If the State is unable to pay the pensionary benefits why not the Local Bodies be closed? Why the employees should suffer and why they should beg for their pensionary benefits. All these queries are to be answered by the State. However, all the affidavits till date have been filed by an Officer of the rank of Deputy Secretary and the Secretary of the Department has not bothered to reply to the query of the Court in contempt application.

8. In order to give one more chance, I hereby direct the Principal Secretary, Urban Development Department, Government of Jharkhand to file show cause as to within what period the pensionary benefit would be released in favour of the retired employees of Hazaribag Municipal Corporation, Ramgarh Nagar Parishad, Giridih Nagar Parishad and Khusro Nagar Parishad. The Principal Secretary is also required to remain present in the Court through virtual mode along with affidavit to answer the aforesaid queries of the Court. Let it be made clear that if the amount is paid and show cause to that effect is filed, appearance of the Principal Secretary is not required, but if the amount is not paid, the Principal Secretary shall remain present virtually to explain as to why the order of the Court has not been complied till date.

9. Put up this case on 8.10.2021.

10. Let a copy of this order be sent to the Principal Secretary, Urban Development Department, Government of Jharkhand, Ranchi, as also to learned counsel appearing for the opposite parties for needful.

(Dr. S. N. Pathak, J.)