

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2542 of 2015

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Ram Balak Rai Son of Late Sadhu Rai Resident of village - Herpur, Police
Station - Pusa, District - Samastipur

.... Petitioner

Versus

1. The State of Bihar
2. The Director of Agriculture, Bihar, Patna
3. The Deputy Director Agriculture (Crop) Directorate of Agriculture,
Bihar, Patna
4. The Assistant Director Agriculture, (Extension) Cum Draw and
Dispersion officer, Directorate of Agriculture, Bihar, Patna
5. The Director, Provident Fund, Pant Bhawan, Patna
6. The Assistant Director Provident Fund Directorate, Finance Department,
Pant Bhawan, Patna
7. The Treasury Officer, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Adv.

For the Respondent/s : Mr. Amit Kumar Anand, AC to GP15

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 17-03-2015 Heard learned counsel for the parties as with regard to the
following relief prayed in paragraph no.1 of this application:

“i) For a direction to the respondents to pay to the
petitioner the amount of part G.P.F. amount from the
period of till year 2009-2010 closing balance
Rs.1,59,300/- with statutory interest of G.P.F. Account
No. PTS/AGR-885 of the petitioner (Annexure 1).

ii) For a direction to the respondents to pay to the
petitioner the amount of statutory interest on delay
payment of gratuity and pension amount according to the
government circular P.C.2-1-16179/3155 dated 7.11.1981
in accordance with law.”

The respondents have taken a stand in the counter



affidavit that the payment of Rs.40,089/- has already been made to the petitioner on 6.11.2013 and for the remaining amount of Rs.1,44,629/- which would include interest upto February, 2015 authority letter has been issued on 9.3.2015 on the basis of which the payment shall be made to the petitioner. In paragraph no.11 of the counter affidavit it has also been explained that full and final G.P.F. amount of the petitioner would be Rs.1,84,718/- and therefore, after deducting the amount already paid to the petitioner he will be entitled only for Rs.1.44.629/-.

This part of the stand taken by the respondents in the counter affidavit is sought to be controverted by the learned counsel for the petitioner on a plea that the amount of Rs.1,59,300/- was payable to the petitioner as in the year 2009-10 and therefore, when the petitioner had made further contribution in the provident fund in the year 2011 and 2012 the calculation shown and given in the counter affidavit does not seem to be correct.

This Court is not inclined to accept such submission because the petitioner himself had claimed a sum of Rs. 1,59,300 in this writ petition filed on 10.02.2015. Infact such figure of Res. 1,59,300/- is based on G.P.F. balance slip, issued by Director of Provident Fund, Bihar Patna dated 28.01.2011. Thus if the

petitioner has been found entitled for 1,84,718/- as explained in the counter affidavit, the same cannot be questioned by the petitioner in a routine manner and that too without filing the reply to counter affidavit.

This Court is also not going to do the job of accounting to find out as to how much amount of P.F. was payable and how much interest was calculated for the period after 1.4.2010. The petitioner, if he is not satisfied with the calculation of any amount of provident fund or interest thereon, may represent to the concerned District Provident Fund Officer with his calculation who then shall examine the grievance of the petitioner and pass his orders in accordance with law. In the meantime the amount as admitted by the District Provident Fund Officer to the tune of Rs.1,44,629/- must be paid to the petitioner within a period of two months from today.

With the aforesaid observation and direction this application is, accordingly, disposed of.

(Mihir Kumar Jha, J)

surendra/-

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