

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8145 of 2015

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Ramcharitar Singh s/o Late Rameshwarsingh resident of At + P.O. + P.S.-
Barahia, Tola Dani, Distt.- Lakhisarai.

.... Petitioner

Versus

1. The Regional Provident Fund Commissioner, employees Provident Fund Organization, Regional Office, R-Block, Post- G.P.O., Patna.
2. The Assistant Provident Fund commissioner, (Pension), Employees Provident Fund Organization, Regional, R- Block, Post- G.P.O., Patna.
3. Punjab National Bank represented through the Senior Manager (Pension Section), Punjab National Bank, Boring Road Branch, Boring Road, Patna.
4. The Branch Manager , Punjab National Bank, Jalajpur Branch, Via- Barahia, Distt.- Lakhisarai.
5. The Branch Manager, Punjab National Bank, Jalajpur Branch, Mokameh Tehsil, Distt.- Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shree Ganesh
For the Respondent/s : Mr. Ranjit Sinha
Mr. Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 21-08-2015 Heard Shree Ganesh, learned counsel for the petitioner, Sri Ranjit Sinha, learned counsel, who has appeared on behalf of respondent no. 1 & 2/Employees Provident Fund Organisation (for short “E.P.F.O.”) and Sri Suresh Prasad Singh, learned counsel for respondent no. 3 to 5/Punjab National Bank (for short “Bank”).

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for directing the respondents for payment of **Rs. 39,832/-** (thirty nine

thousand eight hundred thirty two), which was sanctioned on 25-09-2010 by the officials of the Employees Provident Fund Organisation. The petitioner has further prayed for directing for payment of interest at market rate on the sanctioned amount of the arrear of pension, which was sanctioned on 25-09-2010.

The petitioner has admitted that as per sanction, the petitioner is getting pension at the rate of **Rs. 1,560/-** (one thousand five hundred sixty) per month, however; the arrear was not paid and as such, the petitioner has approached this Court.

In this case, separate counter affidavits have been filed on behalf of respondents/E.P.F.O. as well as Bank. In the counter affidavit filed by both the parties, the onus has been shifted on each other regarding delay in crediting the amount into the account of the petitioner. However, a stand has been taken by learned counsel for the respondents that immediately after noticing that incorrectly the sanction order was communicated to different branch and after detecting the error, the said amount i.e. Rs. 39,832/- as arrear of pension has already been credited to the account of the petitioner on 01-07-2015. The fact regarding receiving pension regularly has not been disputed nor the fact regarding payment of arrear has been disputed, only dispute is being raised regarding interest.

In view of averment made by both the parties i.e. E.P.F.O. and Bank, it would be difficult to fasten liability on either of the authorities without deep inquiry. In the writ jurisdiction, it would be difficult to conduct such inquiry.

Keeping in view the fact that pension is being regularly received by the petitioner and arrear has already been paid to the petitioner, no further order is required to be passed.

The writ petition stands disposed of.

(Rakesh Kumar, J.)

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