

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3154 of 2014

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Chandreshwar Prasad Sinha S/O Late Billat Mishra Resident of Village
Awari, P.S- Saharghat, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar, through Secretary, Primary Education, Govt. of Bihar,
Vikash Bhawan, Patna.
2. The District Superintendent of Education, Madhubani.
3. The District Education Officer, Madhubani.
4. The District Programme Officer (Establishment), Madhubani.
5. The Director Provident Fund, Directorate Provident Fund, Pant Bhawan,
Bailey Road, Patna- 01
6. The District Provident Fund Officer, Madhubani.
7. The Account General, Bihar, Birchand Patel Path, Patna- 01
8. The District Accounts Officer, Madhubani.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma

For the Respondent/s : AC to SC-30

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 16-01-2015 Heard learned counsel for the petitioner and learned
A.C. to Standing Counsel – 30.

The petitioner, who retired long back on 31st July,
1994, has approached this Court invoking its writ jurisdiction
under Article 226 of the Constitution of India, with a prayer to
direct the respondents to correctly calculate and update the
provident fund account of the petitioner.

Learned counsel for the petitioner accepts that earlier
the petitioner had approached this Court by filing a writ petition,
vide C.W.J.C. No. 9304 of 2005, which stood disposed of on

18-03-2010. The order of the writ court is quoted here-in-below:-

“Mr. Kamaldeo Sharma, learned counsel on instruction of Mr. Anil Kumar Sinha, the advocate on record, on behalf of the petitioner and Mr. Rana B.N. Singh, assisting counsel to S.C. 10 for the State and the learned counsel for the Accountant General are present.

The petitioner superannuated as a Principal of the Government Primary School, Solighat, Madhubani on 31.7.1994. The writ petition was filed after a lapse of almost 11 years complaining non-payment of the G.P.F. amount and for grant of Selection Grade Scale and for revision of his pensionary benefits after grant of Selection Grade Scale.

In so far as the claim of the petitioner for revision of his pensionary benefits after grant of Selection Grade Scale is concerned, the said grievance having been raised after 11 years of his retirement is rejected.

In so far as the grievance regarding non-payment of G.P.F. amount is concerned, a counter affidavit has been filed on behalf of the District Provident Fund Officer, Madhubani as also a counter affidavit has been filed on behalf of the District Superintendent of Education, Madhubani and who jointly submit that after taking into consideration the calculations of deductions made towards G.P.F. amount of Rs. 75,074/- together with statutory interest admissible thereon, was found admissible to the petitioner.

The counter affidavit of Superintendent of Education also encloses a cheque for the said amount which is dated 9.5.2006. The District Superintendent of Education submits that the cheque was sent to the petitioner through messenger but he refused to accept the same. Thereafter, it was sent by registered post and which has also been returned back.

Learned counsel appearing on behalf of the petitioner submitted that as the petitioner having retired in the year 1994 and had not been paid the said amount of G.P.F., hence the petitioner was entitled to upto date interest up till now the date of actual payment.

Taking into consideration the calculation chart annexed to the two affidavits and the photo copy of the cheque, I find that a detailed calculation has been made and interest has been made by the authorities upto the date of issuance of cheque on 9.5.2006 for the said amount.

In that view of the matter, the claim for interest since after 9.5.2006 is not admissible and is rejected. However, if the petitioner disputes the

calculation of the principal and/or interest amount as set out in the affidavits of the District Provident Fund Officer, Madhubani and the District Superintendent of Education, Madhubani, he may raise his claim with supportive documents and supportive claims before them who shall consider and dispose of the same in accordance with law.

The writ petition stands disposed of.”

It was submitted by learned counsel for the petitioner that after the order of the writ court, the petitioner filed representation before the District Superintendent of Education, but no decision was taken and as such, the petitioner was constrained to approach this Court by filing the present petition.

Fact remains that entire G.P.F. amount was already paid to the petitioner, which was noticed by the writ court in earlier writ petition. Only in respect of dispute raised by the petitioner for calculation, liberty was granted to the petitioner to approach the authority concerned. This liberty was granted on 18-03-2010 and again after a long delay, the petitioner has approached this Court in the year 2014 for such relief.

I do not find any ground for passing any positive order.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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