# IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1283 of 2012**
**IN**
**Civil Writ Jurisdiction Case No. 3976 of 2009**

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Raghunandan Prasad, S/o Late Kashi Nath, resident of House No. 48, Magistrate Colony, P.S- Rajiv Nagar, District- Patna. .... ....Petitioner/Appellant.

Versus

1. The State of Bihar
2. Finance Commissioner, Government of Bihar, Patna.
3. Director Provident Fund, Department of Finance, Government of Bihar, Pant Bhawan, Baily Road, Patna.
4. Treasury Officer, Gaya.
5. Accountant General, Bihar, Patna. .... .... Respondents/Respondents.

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**Appearance :**

For the Appellant : Mr. Rajendra Prasad Singh, Sr. Adv.
Mr. Rashid Izhar, Adv.
For the Respondents : Mr. S. S. Shabbar Hussain, GP-4
For the Accountant General: Mr. Kumar Priya Ranjan, Adv.

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**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH**
**And**
**HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)**

**Date: 03-03-2015**

Heard Mr. Rajendra Prasad Singh, learned senior counsel for the appellant, learned counsel for the State and with their consent this appeal is being disposed of at this stage itself.

The writ petition was filed in the year 2009 and was dismissed by the learned Single Judge vide judgment and order dated 18.01.2012, hence this Intra-Court appeal.

The claim of the writ petitioner/appellant was that while he was posted at Gaya in the State Government service before being promoted to the cadre of Indian Administrative Service (I.A.S.), he had received certain amounts by way of arrears of salary and as per the Government decision the same had to be deposited in entirety but in case of petitioner out of Rs.53,000.00 that was due to him about Rs.50,000.00 was deposited in his provident fund account. Upon his superannuation in the year 2004, he found no credit to that effect in his account.

Having heard the parties and considered the matter, we are not inclined to interfere in the matter for two reasons. Firstly, the amounts were directed to be deposited in the provident fund account of the writ petitioner/appellant in the year 1981. The appellant now raised a grievance that this was not so deposited nor it was reflected in his accounts. It is only on his retirement in the year 2004 he started making this grievance and filed the writ petition in the year 2009. Such matters cannot be left unattended for such a long period. Secondly, the State has taken a stand that this amount was duly paid to him by way of adjustment. The amount had already been paid as incremental amount of salary and, therefore, the entire amount of Rs.50,000.00 had already been paid. There is a counter affidavit filed by the State Provident Fund Commissioner indicating that there appears to be some inconsistency in the account.

Therefore, in these disputed questions of facts, we are unable to entertain this sort of litigation. However, we direct the

State Provident Fund Commissioner to make a detail enquiry in the matter, examine the books of accounts and other documents as well as the documents that may be available by the writ petitioner and then pass an appropriate order in accordance with law.

With this observation and direction, this appeal stands disposed of.

**(Navaniti Prasad Singh, J.)**

**(Jitendra Mohan Sharma, J.)**

Trivedi/NAFR

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