

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2994 of 2015

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Ganesh Prasad Singh, son of late Ghurphekan Singh, resident of Village and
P.O.- Dharikan Tola (Lanua) P.S.- Sheosagar, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Minor Irrigation Department, Bihar, Patna.
3. The Executive Engineer, Minor Irrigation Division-I, Sasaram.
4. The Sub-Divisional officer, Minor Irrigation Bhabua.
5. The District Provident Fund Officer, Kaimur, Bhabua.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay, Advocate.

For the Respondent/s : Mr. Sanjay Mandal, AC to SC 6

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 23-02-2015

Heard learned counsel for the parties as with regard to

the following relief prayed in this writ application:

"1. to release the provident fund of the petitioner with statutory interest as it was deducted in the name of G.P.F. from 1979 to 1991 during that period he was posted as an Operator in Minor Irrigation with of work charge in division Sasaram under the Executive Engineer."

2. When this Court had made specific query from the learned counsel for the petitioner as to how the liability of the Tube Well Corporation, where the petitioner was employed between 1979-91, could be fastened on the State Government, where upon closure of the Tube Well Corporation he had been adjusted in the Minor Irrigation Department, learned counsel for the petitioner very fairly submits that he does not want anything

else but disposal of his claim by the competent authority.

3. Having regard to the fact that the petitioner had retired in the year 2003 and his all admissible benefit of retirement including the amount of provident fund payable by the State Government, has already been paid, this writ application filed on 19.02.2015 with regard to claim of payment of provident fund for the period 1979-91 while working in Tube Well Corporation is a stale matter.

4. This Court, finding the amount of provident fund of the petitioner is his own contribution deducted from his salary, would accordingly, direct the competent authority namely Principal Secretary of the Minor Irrigation Department, who will first examine the terms and conditions of the absorption/adjustment of the petitioner in the Minor Irrigation Department and if he would find that the amount of provident fund deducted from the salary of the petitioner, while he was working in Tube Well Corporation, had been handed over by the Corporation to the Government, he will direct for payment of such amount of provident fund to the petitioner or else he may straightforward reject the claim of the petitioner for grant of such amount in which event the petitioner will have liberty to sue the Tube Well Corporation before the appropriate forum and/or Court.

5. It goes without saying that when such a reasoned order is passed by the respondent no. 2, the same will also be amenable of being assailed before an appropriate forum/court.

6. With the aforementioned observation and direction, this writ application is disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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