

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6030 of 2015

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Arjun Singh aged about 65 years, son of Late Moti Singh, resident of village- Chaksaid, P.S.- Raja Pakar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Sinchai Bhawan, Patna.
2. The Chief Engineer, Mechanical, Water Resources Department, Sinchai Bhawan, Patna.
3. The Superintending Engineer, Mechanical Circle, Water Resources Department, Gaya, camp at Dehri, District- Rohtas.
4. The Executive Engineer, Irrigation Mechanical Division, Dehri.
5. The Executive Engineer, Irrigation Mechanical Division, Mohania.
6. The District Provident Fund Office, Rohtas (Sasaram).
7. The State of Jharkhand through the Principal Secretary, Water Resources Department, Ranchi (Jharkhand).
8. The Chief Engineer (Irrigation Daltenganj), Water Resources Department, District- Palamu, Jharkhand.
9. The Executive Engineer, Northy Koel Maechnical Division, Mandal, Palamu (Jharkhand).
10. The Accountant General-Bihar, Birchand Patel Path, Patna. null null

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv
For the State : Mr.SC7-Mithilesh Kumar Pathak
For the A.G. : Mr.Rabindra Kr Priyadarshi, Adv
For the State of Jharkhand : Mr. Nishi Nath Ojha, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-06-2015 Heard learned counsel for the parties as with regard to the following relief prayed in this writ application:-

"(i) For direction on the respondents particularly the respondent District Provident Fund Officer, Rohtas to release the remaining amount of Rs. 92550/- of the G.P.F.-A/c. No.-



RV-24924/ PAL-IRR-1244 of the petitioner by calculating statutory interest @ 12.5% from July-1985 to the year 1998-99 to which the petitioner is entitled to as he has contributed 12.5% of his emoluments towards his G.P.F.-contributions in accordance with law and the respondents may be directed to furnish a calculation chart of the same to the petitioner.

(ii) For a further direction on the respondents for the payment of the work charged G.P.F.-contributions of the petitioner with up-to-date statutory interest pertaining to the G.P.F.-A/C. No. 216/180 opened by the North Koel Mechanical Division, Mandal Palamu (Jharkhand).

(iii) For a further direction on the respondents for the sanction & release of the differential amount of the D.C.R.-Gratuity of the petitioner pursuant to the resolution dated 27.5.2013 of the Finance Department.

(iv) For a further direction on the respondents to revise the pension, D.C.R.-Gratuity & leave encashment of the petitioner after according the benefits of the 1st and 2nd Time bound promotion w.e.f. 1.4.81 & 15.6.95 respectively as well as the benefits under the



A.C.P. scheme to the petitioner w.e.f. 9.8.99(1st & 2nd) & 1.1.09 (3rd A.C.P.) respectively in terms of the notification dated- 23.3.11 of the Finance Department, the petitioner has requested the respondent authorities but the respondent Chief Engineer (Mechanical) has not taken any appropriate action due to which the pension of the petitioner has been fixed at the lowest.

(v) For a further direction on the respondents to pay of the statutory interest @ 5% to the petitioner pursuant to the memo no. P.C.-2-1-16/79/3155 of the Finance Department dated 7.11.81 on account of the sanction & release of the pensionary dues after extraordinary delay."

2. Having regard to the fact that the petitioner has already been paid his all retirement benefits including the amount of GPF and his grievance for non payment of certain part of the amount of GPF deducted, while he was working in work charge establishment at places situated in the present state of Jharkhand, as also there is some discrepancy in the calculation of the rate of interest on the amount of GPF, this Court would only



grant liberty to the petitioner to approach the concerned District Provident Fund Officer with documentary proof of the deduction of the amount for which payment has not been made to the petitioner. If the petitioner adduces evidence of such deduction of his work charge period, the authority shall look into. The concerned District Provident Officer only thereafter shall look into such grievance of the amount of GPF and on finding any further amount payable shall pay the same on prescribed rate of interest fixed by the Government from time to time. The District Provident Officer shall also pass his reasoned order in respect of such claim to be raised by the petitioner before the District Provident Fund Officer by way of a representation enclosing a copy of this order.

3. The further grievance of the petitioner for payment of amount of gratuity, keeping in view that the petitioner has retired on 30.06.2010, shall also be examined by the concerned competent authority strictly



in accordance with law and if any amount is found payable, beyond the amount of gratuity already paid to him the same would be also paid to the petitioner, within a period of three months from the date of receipt of this order by the competent authority.

4. The rest of grievance of the petitioner so far it relates to grant of benefit of ACP etc., being not the retirement benefits, the same can not be decided in this writ application but the petitioner will be still at liberty to claim the same before appropriate authority and/or the court.

5. Since the petitioner has already been paid most of his retirement benefit and will also be entitled for payment of statutory interest on the claimed unpaid amount of Provident Fund till the date of its payment, if found payable by the District Provident this court for the time being would not direct for payment of interest @ 5% on any other unpaid amount of retirement benefit inasmuch as there would be no question of payment of

interest on unpaid amount of gratuity which would be squarely dependent on the grant of A.C.P. benefit to the petitioner.

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

(Mihir Kumar Jha, J)

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