

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1168 of 2011

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Nawal Kishore Choudhary Son Of Late Jagdeo Choudhary Resident Of
Mohalla - Murarpur (Brahmasthan), P.S.- Laheri, District - Nalanda At
Biharsharif

.... Petitioner/s

Versus

1. The State Of Bihar , Through The Chief Secretary, Bihar, Patna
2. The Secretary, Panchayati Raj, Bihar, Patna
3. The Deputy Development Commissioner Cum Chief Executive Officer,
Zila Parishad, Nalanda At Biharsharif
4. The Zila Parsihad, Nalanda, Through Its Chief Executive Officer,
Nalanda, Bihar Sharif

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Adv
For the State : Mr. Rajeev Shekhar AC to GP 24
For the Zila Parishad : Mr. Awadhesh Pd. Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

4 06-07-2015 The order number in the order dated 04.07.2011

has been wrongly typed as order no. 4 in place of order

no. 3.

That being so, order no. 4 in the order dated

04.07.2011, should be read as **order no. 3.**

Heard learned counsel for the parties.

The petitioner is a retired employee of Nalanda,

Zila Parishad. He has retired way back in the year 2009

and has filed this writ application on 18.01.2011, before



this Court with a grievance that he was not paid the dues of the arrears of pay revision (6th P.R.C). When this Court has been shown by learned counsel for the respondents that not only the petitioner had received the amount of dues of 6th P.R.C., to the tune of Rs. 10,1,157/-, this Court will have no difficulty in holding that such grievance of the petitioner is wholly misconceived.

Learned counsel for the petitioner submits that the petitioner was not given full payment of the amount of provident fund, inasmuch as, others have been given not only their shares of contribution but also the equal amount of contribution of the employer. This aspect has been explained by learned counsel for Nalanda, Zila Parishad by referring to the document filed by the petitioner that the amount of Rs. 1,34,505/- paid to him was not only on account of the dues of the arrears of pay on account of revision of pay scale but also included the contribution of the employer on the head of provident

fund.



This Court would also find merit in such submission of the learned counsel for the Respondents because the petitioner has not denied the fact that his payment of arrears was confined only to the tune of Rs. 1,01,157/- and infact as has been stated in Annexure-A the total payment which were made to him this head has been shown clearly in Annexure-9, the communication dated 05.07.2010, is to the tune of Rs. 1,34,505/-. The question would be what was this additional amount of Rs, 33,000/- approximately. This Court, therefore, will have no difficulty in accepting that the amount of contribution of the employer on the head provident fund has also already been paid to the petitioner.

Learned counsel then submits that he has not been paid the full amount of other retirement benefit. In the considered opinion of this court no one can satisfy an employee, if he keeps on insisting and repeating that he has not been paid his retirement benefits. Here in this

case the respondents in their counter affidavit have dealt each and every payment which has been made to the petitioner.

Nonetheless, if the petitioner can still demonstrate before the authorities of Nalanda, Zila Parishad as with regard to any specific amount due with evidence, that should be considered by the authorities of the Nalanda, Zila Parishad. For the time being this Court however is satisfied that the full and final payment of the retirement benefit including arrears, has been made to the petitioner and this writ application is wholly frivolous.

As this stage a prayer is made now by learned counsel for the petitioner that the petitioner should be furnished detailed calculation chart of the amount of payment of provident fund. The same can be allowed only to the extent that if the petitioner files an application under Right to Information Act with specific query, the same shall be answered by the authorities of Nalanda Zila Parishad. It also goes without saying that if

the Respondents on finding any calculation in favour of the petitioner in respect of any amount which has not been paid to him as yet, he will always have the right to claim its payment but then this Court for the time being is satisfied that all the retirement payment has been made to the petitioner.

Thus this writ petition fails and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

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