

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2415 of 2015

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Mostt. Devki Devi W/o Late Garbhu Yadav Resident of Village Chanapatti,
P.S. Supaul, District Supaul.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Madhepura.
3. The Circle Officer, Golpara, District Madhepura.
4. District Provident Fund Officer, Madhepura

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Maharaj

For the Respondent/s : Mr. Sc1- M.K. Sinha

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

4 17-03-2015

Heard learned counsel for the parties.

The prayer of the petitioner in this writ application reads as follows:

“To give direction to the respondent no.3 and other respondents to make payment to the petitioner Provident Fund after the death of her husband. In fact the husband of the petitioner late Garbhu Yadav was appointed on the post of ‘Amin’ in the year 1977 in Consolidation Department, Purnea under Deputy Director, Consolidation the husband of the petitioner has transferred in several places but last transfer the husband of the petitioner in the year 2004 in Golpara Anchal (Consolidation Department’s status to Anchal) and the husband of the petitioner worked in Golpara Anchal since two years and during the service in 2006 the husband of the petitioner has expired. In fact the petitioner after the death of her husband got the privilege of pension and she is continuing taking pension but from



the initial service 1977 to 2006, the petitioner had debarred from taking provident fund and due to this reasons the petitioner is praying before your Lordships to give direction to the respondent no.3 (Circle Officer) Golpara, District Madhepura) to make payment the entire contributory fund from the year 1977 to 2006.”

As would be evident the prayer of the petitioner is for payment of amount of provident fund which was deposited by her husband late Garbhu Yadav, who was working as Amin in the district of Madhepura and had died in the year 2006 in harness while working under the Circle Officer, Golpara.

Mr. Arbind Kumar Maharaj, learned counsel appearing on behalf of the petitioner, in support of the aforementioned prayer had drawn attention of this Court that while the petitioner had received payment of other retirement benefit of her husband, the payment of amount of provident fund was not made in a period of last nine years ever since the death of the husband of the petitioner. In such a situation when the matter was heard earlier and the petitioner had not even impleaded the District Provident Fund Officer, Madhepura as a party respondent this Court had got the competent authority, namely, District Provident Fund Officer, Madhepura impleaded as respondent no.4 and had granted four weeks time to file counter affidavit. Such counter affidavit having



been filed on 10.3.2015 this Court had left with no option but to direct for personal appearance of the District Provident Fund Officer, Madhepura. Today Mr. Ram Lakshan Satyarthi, the District Provident Fund Officer, Madhepura has appeared in person and has filed a counter affidavit which to say the least depicts of a pitiable prevailing in the office of the respondents. In the counter affidavit, which has been now filed by the District Provident Fund Officer, Madhepura, it has been stated that since final withdrawal form prescribed under BTC Form-56 under Rule 371 of the Bihar Treasury Code was not filed for withdrawal of provident fund accumulations by the petitioner and as a matter of fact such form alongwith the letter of Anchal Adhikari, Golpara dated 12.3.2015 was received in the office of the District Provident Fund Officer, Madhepura only on that very date, steps could be taken for payment of admissible amount of the provident fund and as a matter of fact part of the amount of accumulation of provident fund of the husband of the petitioner to the tune of Rs.53,557/- has been sanctioned and paid and also made available to respondent no.3 for its immediate payment to the petitioner. As with regard to remaining amount a stand has been taken that rest of the amount of G.P.F. will be authorized immediately in favour of the petitioner for which respondent no.3 has been requested to



make available the rest mandatory document as enumerated in letter no. 108 dated 2.3.2015 of the District Provident Fund Officer, Madhepura addressed to the Anchal Adhikari, Golpara.

It, thus, becomes clear that only when this Court had passed orders for personal appearance of the District Provident Fund Officer, Madhepura that at least some payment of the amount of provident fund for the period 2002-2006 has been made but then the husband of the petitioner had joined the service in the year 1977 and had died in the year 2006. A widow does not know as to how much amount was deposited by her husband and therefore, it is the duty of the officials of the Government to find out as to what amount of provident fund was deposited by the husband of the petitioner and also communicate the same to the District Provident Fund Officer, Madhepura for its being paid to the petitioner alongwith statutory interest.

As noted above, the widow had not filed the prescribed application in the proforma and therefore, no step was taken by the competent authority. Even today the application which has been forwarded by the Anchal Adhikari, Golpara to the District Provident Fund Officer does not contain signature of the petitioner but some payment could be made even without filing of such application. That would only go to show that the withdrawal of



final amount of provident fund in case of death of the subscriber alike the husband of the petitioner could be made even without filing of the application in prescribed proforma by the widow. As a matter of fact the column under the prescribed proforma under Form BTC-56 only prescribes for signature of the subscriber and the subscriber in this case being the husband of the petitioner is already dead.

Thus, having regard to the issue in hand this Court would direct not only respondent no.3, the immediate controlling authority of the services of the husband of the petitioner, but also the District Magistrate, Madhepura to ensure that the relevant details with regard to deduction of the amount of provident fund of the husband of the petitioner be obtained from all the concerned offices where the husband of the petitioner was working and the detail of such deduction should be made available to the District Provident Fund Officer, Madhepura within a period of four months from the date of receipt of this order. As the husband of the petitioner was appointed as Amin in the District of Purnea in the Consolidation Department, details of such deduction probably will also have to be collected from all other places other than the district of Madhepura where the husband of the petitioner was posted and therefore, it will be the duty of each and every officer



who may have an access of the provident fund amount of the husband of the petitioner to ensure that whatever amount was deducted from the salary of the husband of the petitioner for its being deposited in the provident fund, must be communicated to both the Collector of Madhepura district as also the District Provident Fund Officer, Madhepura. The Circle Officer, Golpara being the last controlling authority is hereby directed to act as a Nodal Officer for collecting such details from all the places. The widow should not be harassed for collecting amount of provident fund of her husband. The widow petitioner, however, may assist the authorities with whatever information she may have with regard to place of posting of the husband of the petitioner or with regard to other details of the service of the husband of the petitioner.

This Court hopes and believes that the payment of admissible amount of the provident fund of the husband of the petitioner shall be made within a period of four months from the date of receipt of this order. In case for any reason whatsoever the full payment cannot be made to the petitioner, the payment as admissible and payable to the petitioner on the basis of details of deduction received from the controlling authorities must be made in the period of four months and information should be given to

her with regard to any such contribution of the husband of the petitioner which could not be traced due to lack of details of deduction of the provident fund from the salary of the husband of the petitioner so that she may take any other steps as may be permissible in law.

It goes without saying that since the amount of provident fund has not been paid to the petitioner on account of laches on the part of the respondents, she will be entitled for up-to-date interest as per Provident fund Rules.

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

Personal appearance of Mr. Ram Lakshan Satyarthi, District Provident Fund Officer, Madhepura is hereby dispensed with.

(Mihir Kumar Jha, J)

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