

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3891 of 2015

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Bhubneshwar Roy, aged about 65 Years son of Late Dev Narayan Roy,
resident of Village- Pakari, P.S. Saharghat, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Sercretary, Department of Education, Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Districr Programme Officer (Establishment) Madhubani.
5. The District Provident Fund Officer, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur-2, Adv
For the Respondent/s : Mr. SC5- Satya Deo Kumar

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 24-03-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner has already retired on 30.04.2009, and has already been paid all his retirement benefits, his coming to this Court after almost six years of the retirement, for claiming sum of Rs. 488/- by way of dues of provident fund of the year 1974-75 to 1976-77 first of all, cannot be held to be maintainable, for the reason because such monetary relief being sought from this Court after lapse of a period of more three years of its entitlement is not



admissible. Law in this regard has been well settled by the Apex Court in the case of ***Union of India v. Tarsem Singh*** reported in **(2008) 8 SCC 648**, wherein, in paragraph 7 and 8, Justice Raveendran had to say:

7. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches

Insofar as the consequential relief of recovery of arrears for a past period is concerned, the principles relating to recurring/successive wrongs will apply. As a consequence, the High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition.

8. In this case, the delay of sixteen years would affect the consequential claim for arrears. The High Court was not justified in directing payment of arrears relating to sixteen years, and that too with interest. It ought to have restricted the relief relating to arrears to only three years before the date of writ petition, or from the date of demand to date of writ petition, whichever was lesser. It ought not to have granted interest on arrears in such circumstances”.

This Court therefore in the light of aforesaid law laid down by apex court can only direct the petitioner to satisfy the District Programme Officer (Establishment), Madhubani that the contribution of provident fund of sum of Rs. 488/- though deducted by the managing committee of the School while it was a private School

was deposited in the Government account of the then District Superintendent of Education, Madhubani. If the authority finds such claim to be true, he will then examine as to whether amount is payable to the petitioner from the funds of the Government or not. If the District Programme Officer (Establishment) shall find evidence of such amount of provident fund being deposited in the account of the Government from the funds of the Managing Committee, he would, accordingly, also take steps for payment of the aforementioned amount to the petitioner in accordance with law but without payment of any interest over the same.

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

(Mihir Kumar Jha, J)

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