

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12763 of 2016

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Chandradeo Singh son of Late Rajendra Singh, resident of village- Prataptand (East), P.S.- Bhagwanpur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Irrigation Department, Government of Bihar, Patna.
2. The Superintending Engineer, Minor Irrigation Circle, Muzaffarpur.
3. The District Magistrate, Vaishali at Hajipur.
4. The District Provident Officer, Vaishali at Hajipur.
5. The Executive Engineer, Minor Irrigation Division, Hajipur, Vaishali.
6. The Executive Engineer, Minor Irrigation Division, Muzaffarpur.
7. The Executive Engineer, Minor Irrigation Circle, Sitamarhi.
8. The Assistant Engineer, Minor Irrigation, Sub Division, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nityanand, Advocate
For the Respondent/s : Mr. Mujtabul Haque, G.P.-12
: Mr. Vasant Vikas, A.C. to G.P.-12

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 16-11-2016

The instant writ petition has been filed by the petitioner seeking direction to the respondents to pay the due amount of the provident fund deducted during the period in which he was posted in the work charged establishment with interest.

2. The petitioner was appointed in the year 1967 as work charged employee in the department of Minor Irrigation, Muzaffarpur. Thereafter, he was transferred to Minor Irrigation Division, Sitamarhi and Hajipur. His service was regularized in the year, 1991. He superannuated from service on attaining the age of retirement on 31st



June, 2001 from the post of Ring Khalasi while working in the Minor Irrigation Division, Hajipur. After superannuation, his post retirement benefits were sanctioned and paid. However, the dispute remained pending with respect to the provident fund amount deducted during the period in which he was posted in the work charged establishment. Though the petitioner retired from service in the year, 2001, he approached this Court by filing the present writ petition on 5th August, 2016.

3. A counter affidavit has been filed on behalf of respondent no.5 wherein it has been stated that a total amount of Rs. 28,767/- has been paid to the petitioner which were due with interest for one year.

4. It is admitted by the learned counsel for the petitioner that the grievance of the petitioner, so far as principal amount deducted during work charged establishment is concerned, has been redressed by the respondents but, the respondents have paid interest only for a period one year. He has submitted that the petitioner is entitled for payment of interest of almost 15 years during which the deducted amount of provident fund remained pending with the respondents. In reply, learned counsel for the State has submitted that the payment of interest over the provident fund amount has been calculated with statutory interest till June, 2002 in terms of the Finance Department Circular no.4026/1978 and the petitioner is not legally entitled for

payment of interest beyond one year.

5. Be that as it may, since a dispute has been raised by the State, this Court is not inclined to enter into the State claim of the petitioner as writ petition has been filed after fifteen years of retirement.

6. Accordingly, the application is disposed of.

7. However, the petitioner would be at liberty to raise his claim in respect of the interest over delayed payment of provident fund amount by filing a suit before the appropriate court in accordance with law.

(Ashwani Kumar Singh, J)

Md.S./-

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