

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16710 of 2014

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Vinay Bhushan Mishra, S/o Late Upendra Mishra, Resident of Village
Ketuka, P.O. Bariaul, P.S. Sadar, District Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, SC & ST Welfare
Department, Govt. of Bihar, Patna
2. The Director, SC & ST Welfare Department, Govt. of Bihar, Patna
3. The District Welfare Officer, Darbhanga
4. The District Provident Fund Officer, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Karn, Adv.

For the Respondent/s : Mr. Neelam Prasad, AC to GP-25

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 30-01-2016

Heard.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India for the reliefs enumerated in paragraph 1 of the writ petition, which reads as follows:-

“1. That by way of this writ application the petitioner seeks indulgence of this Hon’ble Court for issuance of appropriate writ/order/direction in the nature of mandamus upon the respondent to make payment of following retiral dues/benefits to the petitioner:-

(i) Amount of General Provident Fund with up to date statutory interest.

(ii) Amount of Penal Interest for inordinate delay in making payment of pensionary dues.

(iii) Cost of litigation.

(iv) For issuance of any other appropriate relief/reliefs to which the petitioner is entitled to in the facts and circumstances of this case.”

The learned counsel appearing on behalf of the

petitioner submits that the petitioner superannuated from service on 31.5.2013 from the post of Headmaster of Government Ambedkar Balika Residential High School, Darbhanga. It is contended by the learned counsel for the petitioner that the G.P.F. amount has not been paid till date despite several representations filed on his behalf. It is further contended that, though other retiral dues have been paid to him, but statutory interest has not been paid on account of delayed payment.

Though, the present writ petition was filed on 22.09.2014, but, despite passage of more than one year, counter affidavit has not been filed by the learned State counsel appearing on behalf of the respondents till date.

In view of the nature of the claims/grievances raised on behalf of the petitioner in the present writ petition, this Court is of the opinion that, instead of awaiting the counter affidavit from the respondents in the present matter, interest of justice shall be sub-served, if the petitioner is granted liberty to file comprehensive representations before the respondent no.3 as also the respondent no.4 with all supporting documents with respect to his surviving claims. It is ordered accordingly.

If such separate comprehensive representations are filed on behalf of the petitioner before the respondent nos.3 and 4 with a certified copy of the present order, then the respondent no.3 as also the respondent no.4 shall be obliged to consider and decide the valid claims of the petitioner by a reasoned and speaking order, after giving an opportunity of personal hearing to the petitioner, at an early date, preferably within a period of two months from the date of filing of such representations by the petitioner.

If on consideration of the materials and after giving an opportunity of personal hearing to the petitioner, the authorities concerned, as indicated above, comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then the consequential orders shall also be issued for grant of such admissible claims and for payment of all lawful dues without any unnecessary further delay.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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