

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16613 of 2014

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1. Shashi Kant Pathak
2. Sunil Kumar Pathak,
Both sons of Late Yogendra Pathak, resident of village - Dharfari,
P.S. Paroo, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Director, Primary Education, Education Department, Government of
Bihar, Patna
3. The Deputy Director, Primary Education, Government of Bihar, Patna
4. The District Education officer, Muzaffarpur, District Muzaffarpur
5. The District Programme Officer (Establishment), Muzaffarpur, District -
Muzaffarpur
6. The Provident Fund Officer, Muzaffarpur, District - Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate

For the Respondent/s : Mr. Uma Shankar, GP 4

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 30-01-2016

Heard the parties.

2. The petitioners are the sons of deceased employee Yogendra Pathak, who died in harness on 16.10.2005 while he was posted and working as Assistant Teacher at Primary School Pichpura under Paroo-2 Anchal in the district of Muzaffarpur.

3. The grievance of the petitioners is that, despite representation filed by them, GPF amount, which were admissible to their father, has not been paid by the respondent authorities till date.

4. It is submitted by the learned counsel appearing on behalf of the petitioners that in the light of the communication dated 24.08.2012 issued by the Deputy Director, Primary Education, the petitioners have already furnished all the relevant documents in support of their claim for payment of GPF amount,

which was admissible to their father, yet their valid grievances have not been redressed.

5. Though, the present writ petition was filed on 19.09.2014, but counter affidavit has not been filed on behalf of the respondents. However, the learned G.P.4, appearing on behalf of the respondents, has fairly submitted that if the petitioners approach the respondent District Provident Fund Officer, Muzaffarpur (respondent no.6) by filing a proper representation with all supporting document, then their valid grievances will be redressed without any unnecessary further delay and all the lawful dues shall be paid to the petitioners.

6. In the aforesaid facts and circumstances, the petitioners are directed to file a fresh comprehensive representation with all supporting documents before the respondent District Provident Fund Officer, Muzaffarpur raising all the pleas, which have been raised in the present writ petition.

7. If such a comprehensive representation is filed on behalf of the petitioners within a period of one month from today with a certified copy of the present order, then the respondent District Provident Fund Officer, Muzaffarpur (respondent no.6) either himself or any other competent authority of the respondent State shall be obliged to consider and decide the valid claims of the petitioners by a reasoned and speaking order, after giving an opportunity of personal hearing to the petitioners, at an early date preferably within a period of three months from the date of filing of such representation by the petitioners.

8. If on consideration of the materials and after giving an opportunity of personal hearing to the petitioners the competent authority, as indicated above, comes to a conclusion that the

claims raised on behalf of the petitioners are admissible to them, then consequential benefits i.e. all the lawful dues shall be paid to the petitioners without any unnecessary further delay.

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

(Birendra Prasad Verma, J)

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