

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16567 of 2014

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Surya Narayan Singh son of Late Rajendra Prasad Singh, resident of Village
- Baduri Amghatta, P.S. Sahiyara, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Public Health Engineering Department Bihar, Patna
3. The Superintending Engineer, Public Health Engineering Department,
Darbhanga
4. The Executive Engineer, Public Health Division, Samastipur
5. The District Provident Fund Officer, Samastipur
6. The Treasury officer, Samastipur
7. The Sub- Divisional Officer, Dumro, Sitamarhi

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Ranjan Kumar, Advocate
For the State : Mr. Kinkar Kumar, Advocate
For the Bank : Mr. Kumar Priya Ranjan, Advocate
For the Accountant General : Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 05-02-2016 Heard the parties.

It is admitted by learned counsel for the petitioner that entire retiral benefits as found admissible to the petitioner who retired from the post of Tubewell Mistry from the Public Health and Engineering Department, Samastipur has been paid except for the provident fund amount for the period February, 1989 until 1992-93 which according to the petitioner is to the tune of Rs. 5,650/-.

Learned counsel for the petitioner with reference to a



letter of the District Provident Fund Officer, Samastipur addressed to the Executive Engineer, Public Health Division, Samastipur bearing Memo No. 900 dated 05.4.2013 present at Annexure-4 has submitted that doubting double payment for the period this claim has been withheld.

To support, Mr. Ranjan Kumar appearing for the petitioner has referred to the deductions present at Annexure-3 and the details issued by the Provident Fund Department at Annexure-2.

Contesting the argument of learned counsel, Mr. Lalan Kumar, Assisting Counsel to G.P. 23 has submitted that since the provident fund claim of the petitioner for this period had already been taken care of as manifest from page-12 of Annexure-1, hence the amount of Rs. 5650/- so claimed by the petitioner for the same period was double benefit and which having been noted, the said amount has not been found admissible. He submits that there is no question of any withholding of the claim rather whereas the petitioner claims an amount of Rs. 5650/- for the said period, on the other hand a sum of Rs. 6175/- has been found admissible and paid to the petitioner for the same period. He thus submits that there is no infirmity in the order nor the petitioner is entitled to any further sum.

Having heard learned counsel for the parties and considering the nature of the dispute all that this Court at present would do is to direct the District Provident Officer, Samastipur to provide the petitioner with the calculation chart as regarding the provident fund amount paid to him including the period in question, which chart should be given within four weeks from the date of receipt / production of a copy of the order.

It goes without saying that in case any amount upon such consideration is found admissible as claimed by the petitioner, the same be paid to him within four weeks thereafter in accordance with law.

The writ petition is disposed of.

(Jyoti Saran, J)

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