

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7973 of 2014

1. Purushottam Mishra Son of Late Sahdeo Mishra resident of Village-Kharhara, P.S.- Barahat, District- Banka

.... Petitioner/s

Versus

1. The State of Bihar
2. Additional Chief Medical Officer, Banka
3. District Provident Fund Officer, Provident Fund Cell, Bhagalpur

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur
Mr. Shankar Kumar Thakur
Mr. Pravakar Thakur
For the Respondent/s : Mr. Anil Kumar Sinha, AC to SC 5

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

2 20-07-2016 Heard learned Counsel for the petitioner and learned Counsel for the State.

The only dispute, which has been raised in the present application, relates to wrong calculation of General Provident Fund amount, payable to the petitioner.

The petitioner superannuated from the post of Clerk while working in the Office of the District Tuberculosis Centre, Banka, on 31.01.2014. There is no dispute that the petitioner is governed by Bihar Pension Rules.

It is the case of the petitioner that he is entitled for a sum of Rs. 6,81,065/- against General



Provident Fund amount; whereas, an amount of Rs. 2,06,546/- has been authorized and paid to him against the said head. There is specific statement made in paragraph 10 of the counter affidavit filed on behalf of the District Provident Fund Officer, Banka, that no more amount is payable to the petitioner against provident fund amount.

Learned Counsel for the petitioner has submitted that employer's contribution in the General Provident Fund amount has not been taken into account for the purpose of calculation of petitioner's entitlement.

The said submission is misconceived on the face of it for the simple reason that the petitioner, being a Government servant, is governed by the Bihar Pension Rules, and no employer contribution was required to be deposited in his General Provident Fund account.

However, it is observed that if the petitioner furnishes his own calculation to the District Provident Fund Officer, Banka, raising a grievance of wrong calculation of his General Provident Fund entitlement, the District Provident Fund Officer, Banka, shall consider the same and take a final decision in this regard within a period of two months from the date of filing of the representation to this effect, if such representation is filed within a period of one

month from today.

This application is disposed of with the
aforesaid observations and directions.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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