IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1229 of 2015
IN
Civil Writ Jurisdiction Case No. 18400 of 2012

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Nripendra Kumar. Son of Late Achyuta Nand Sinha. Resident of C/O Ram Lakhan Sinha, Opposite Shankar Bhawan, Kachchi Talab, Saristabad Road, Gardanibagh, Patna-800001.

.... Petitioner/s

Versus

1. R.K. Mahajan, the State of Bihar Through Its Secretary, Secondary Education, Govt. of Bihar, Patna.
2. Ram Bujhawan Chaudhry, the Director, Secondary Education, Govt. of Bihar, Patna.
3. Chandra Shekhar Singh, the District Education Officer, District - Patna.
4. The Accountant General Bihar, AG Building, Bir Chand Patel Path, Patna.
5. Mr. Arun Kr. Mishra, the Director, General Provident Fund, Panchayat Raj Bhawan, Bailey Road, Patna.
6. Sanjay Kumar, the District General Provident Fund Officer, Vikas Bhawan, Collectorate, Patna.

.... Contemnor/Opp. Party

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Appearance :
For the Petitioner/s : Mr. Gyanendra Kumar Singh
For the Respondent/s : Mr. Anjani Kumar, AAG-6

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 28-09-2016

Heard learned counsel for the petitioner and counsel for the State.

The only dispute left before this Court for consideration is about rate of deduction of G.P.F. amount. During service period, there was deduction, sometime at the rate of 10.5% and sometime at the rate of 12.5%. An allegation has been made by the petitioner that opposite parties have committed wrong in making calculation of the entitlement of G.P.F. amount as they have calculated the same on the basis of deduction at the rate of 10.5% whereas the deduction has been made at the rate of 12.5%.

This question of calculation cannot be gone into in the present contempt proceeding. In that view of the matter, the District Provident Fund Officer is directed to look into the matter in terms of Annexure-2 series filed by the petitioner before this Court claiming that the same itself would go to show that the deduction was made at the rate of 12.5% and if the District Provident Fund Officer comes out with a finding that the petitioner is entitled to extra amount of G.P.F., the same should be paid to the petitioner along with statutory interest.

While deciding the issue of entitlement of the petitioner, the District Provident Fund Officer will give notice to the present petitioner and will give opportunity to explain Anenxure-2 Series about the deduction and, in turn, the District Provident Fund Officer will pass a reasoned order in accordance with law. The District Provident Fund Officer will also examine about the entitlement of bonus to the petitioner.

With the aforesaid observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.10.2016
Transmission Date	