IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6555 of 2014

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1. Most. Raj Kumari Devi Wife Of Late Lal Deo Singh Resident Of Village - Agondha, P.O. Kachnama, P.S. Belaganj, District - Gaya

.... Petitioner/s

Versus

1. The State Of Bihar, Through the Collector, District - Jehanabad
2. The Collector, District - Arwal
3. The Accountant General, Bihar, Patna
4. The Director, Provident Fund, Pant Bhawan, Bailey Road, Patna
5. The District Provident Fund Officer, Jehanabad
6. The Treasury Officer, Arwal
7. The Circle Officer, Kurtha (Arwal)

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Ghanshyam Sharma
For the Respondent/s : Mr. Md.Raisul Haque SC-4

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 30-01-2016 Heard the counsel for the petitioner, State and the Accountant General.

A counter affidavit has been filed on behalf of the respondent no.5. The petitioner has filed rejoinder thereto.

Prima facie, it appears the writ application suffers from inordinate delay and latches. The husband of the petitioner served the government as Amin in the office of the Circle Officer, Kurtha falling within the then District of Jehanabad and retired w.e.f. 28.02.1994. The respondents paid the legal dues of the employee including the GPF amount on 26.12.2002. The employee (husband of the petitioner) died on 11.07.2004. Nearly ten years thereafter the writ application is filed for a direction upon the respondents to make payment of some more dues under the head GPF for the period April 1970 to March 1971, March 1976 to June 1978, October 1979 to July 1981 . The petitioner also prays that a sum of Rs. 10,000/- was wrongly deducted while authorizing the payment under the head GPF.

The respondents, in the counter affidavit, have justified the adjustment of the loan sanctioned and paid to the employee while in service from the GPF account. 10 years of delay have not satisfactorily been explained by the petitioner. It has been submitted by the petitioner with reference to paragraph no.13 of the counter affidavit that some of the dues for certain periods payable to the petitioner under the head are still outstanding and have not been cleared. For better appreciation para 13 of the counter affidavit is extracted hereinbelow:-

> "13.That in reply to the statements made in Paragraph No.11 to the writ petition, it is stated that the statements are not true as the only representation was submitted by the petitioner. The drawing and Disbursing Officer concerned has been requested to submit certified statement of credits and debits relating to the period of April, 1970 to March, 1971, March, 1978 to June, 1978 and October, 1979 to July, 1981. On receipt of the statement for the period stated above, if any amount is found as subscribed, the same will be authorized immediately with interest accrued thereon

along with up-to-date interest."

Considering the above, even if the application suffers from inordinate delay and latches, this Court in view of the prayer is inclined to permit the petitioner to represent before the concerned respondent for payment of the dues for the periods indicated in the writ petition under the head GPF. If any such representation is filed, I am sure the concerned respondent will examine the said claim/grievance of the petitioner in the light of the records available with them and take appropriate decision or pass appropriate order in accordance with law expeditiously.

(Kishore Kumar Mandal, J)

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