

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9107 of 2014

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1. Sri Ashok Kumar Singh s/o Late Kesho Singh resident of village and
P.O. Goasha Shekhpura, P.S. Pandarak, Distt. - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Development Commissioner, Vaishali
3. The Asstt. Provident Fund Commissioner, Muzaffarpur
4. The District Magistrate, Vaishali
5. The Secretary, Rural Development Department, Govt. of Bihar, Patna
6. The Managing Director, Bihar Panchayati Raj Vitta Nigam, Patna
7. Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Sachin

For the Respondent/s : Mr. Ajay Bihari Sinha

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 05-02-2016

Heard the counsel for the petitioner and Mr.

Ajay Bihari Sinha SC-19 appearing for the State respondents
except respondent no.3. The counsel for the Accountant general is
also present.

Petitioner indisputably was employed by the
Bihar Panchayati Raj Vitta Nigam. For some periods he was on
deputation in the District Rural Development Agency (for short
'the DRDA') under the control of the Deputy Development
Commissioner. While on deputation, he retired on attaining the
age of superannuation w.e.f. 30.06.2013.

The writ application is filed for a direction



commanding the respondents to pay all retiral dues which include the provident fund, pension, gratuity, leave encashment with statutory interest. Except contending with reference to Annexure-3 of the writ petition that he was deputed to the DRDA, it has not been shown to this Court that the petitioner was entitled to pension, gratuity, leave encashment as an employee of the Nigam.

In the counter affidavit, the respondents have stated that for the period he served the DRDA when deductions of the subscriptions were made from the salary of the petitioner, the same was deposited with respondent no.3. In para 8, it has been stated that a sum of Rs. 4,53,595/- has been paid to the petitioner in cash towards the GPF amount with interest which was not deposited. The rest of the amount, if any, shall be paid/authorized by the respondent no.3.

On instruction, Mr. Sinha, states that for the period March 2003 to October 2008, the amount under the head GPF shall be authorized by the Assistant Provident Fund Commissioner, Muzaffarpur. It is also stated that the Nigam is still functioning at the Secretariat in the Panchayati Raj Department of the Government. If the petitioner has any grievance with regard to non payment of pension, gratuity, leave encashment, the same can be raised before the Managing Director or the Officer in

charge of the Nigam in the Panchayati Raj Department of the Government.

Considering the facts and circumstances of the case, the writ application stands disposed of by directing the respondent no.3 to pay the remaining admissible CPF/EPF amount, if any, in favour of the petitioner within 06 weeks from the date of receipt/production of a copy of this order before him. The petitioner is also granted liberty to ventilate his grievance before the Managing Director/Officer of Bihar Panchayati Raj, Vitta Nigam with regard to non authorization/payment of the pension, gratuity, leave encashment for consideration and disposal in accordance with law.

Needless to observe that if any such representation is filed before the said respondent the same shall be considered and disposed of expeditiously.

(Kishore Kumar Mandal, J)

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