

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12589 of 2014

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Kedar Prasad Singh Son of Late Gopal Mahto resident of Village- Murarpur, P.O.-
Katari, P.S.- Korma, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Commissioner- cum- Secretary, Health Department, Government of Bihar, Patna.
4. The Director-in- Chief, Health Service, Department of Health, Government of Bihar, Patna.
5. The Director (Falerio Control), Department of Health, Government of Bihar, Patna.
6. The Assistant Director, Health Services (Fleria Control), Department of Health, Government of Bihar, Patna.
7. The Civil Surgeon- Cum- Chief Medical Officer, Sheikhpura, District- Sheikhpura.
8. The In-charge, Medical Officer, Primary Health Centre, Ghat- Kusumbha, Sheikhpura, District- Sheikhpura.
9. The Accountant General (A and E), Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar, Adv,
For the State	:	Mr. Md. Nadim Seraj, G.P. 5. Mr. Shailesh Kumar AC to GP 5.
For the A.G	:	Mr. Jitendra Kumar Roy, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT
Date: 08-08-2016

1. The petitioner was appointed as male ward attendant in the Primary Health Centre under the District Sheikhpura. His appointment was, in course of time, found to have been fraudulently obtained. His services accordingly, were terminated. The petitioner filed a writ application vide C.W.J.C No. 15130 of 2008 which was allowed in his favour and the order terminating his service was set



aside. The State preferred Appeals against the certain orders, of similar nature passed by the learned single Judge. In case of the petitioner, the State preferred LPA No. 1684 of 2011. The said LPA was allowed and the order passed by the learned single Judge, setting aside termination of the petitioner's service was set aside. During pendency of the said LPA, the petitioner attained the age of superannuation.

2. This application has been filed seeking direction to the respondents to pay the petitioner's pension, gratuity, earned leave, provident fund amount and group insurance amount etc.

3. Considering the fact that the petitioner's appointment was found to be illegal and based on forged document, no order for grant of pension, gratuity or earn leave can be issued, in his favour.

4. Learned counsel for the petitioner has, however, submitted that the Respondents should not be allowed to withhold the General Provident Fund amount since the directions made from his salary constitute such fund. For same reason Group Insurance amount should also be directed to be paid to the petitioner, he contends.

5. I find substance in the submissions so made on behalf of the petitioner to the limited extent of payment of GPF and group insurance amount. This application is accordingly, disposed of with direction to the District Provident Officer, Shekhpura to ensure that

the general provident fund amount is paid to the petitioner within a period of two months from today. Similarly, so far as group insurance amount is concerned, the Civil Surgeon, Shekhpura is directed to ensure payment of the said amount within the aforesaid period of two months.

This application is thus partly allowed with the directions and observations as above.

(Chakradhari Sharan Singh, J)

Prakash/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	19.08.2016
Transmission Date	