

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.724 of 2013

In

Civil Writ Jurisdiction Case No. 5445 of 2012

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Baidhyanath Prasad Singh S/o Late Malik Singh R/o Vill. - Sorhattha, P.S.
Vaishali, Distt. - Vaishali

.... Petitioner

Versus

1. The State of Bihar
2. Mr. Amitbh Verma, the Principal Secretary, Rural and Panchayati Raj
Department, Bihar, Patna
3. Mr. Lokesh Kumaar Singh, the Director, Rural and Panchayati Raj
Department, Bihar, Patna
4. Mr. Uma Shankar Prasad, the Deputy Development Commissioner - cum
- Chief Executive Officer, District Board (Zila Parishad), Vaishali at
Hazipur

.... Opp. Parties

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate
For the Opp. Party : Mr. Shrinandan Pd. Singh & Ashok Kumar,
Advocates

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

9 19-02-2016 Heard learned counsel for the petitioner and learned
counsel for the Vaishali Zila Parishad.

It is submitted by learned counsel for the Zila Parishad
that the entire amount of the petitioner has been paid, including
CPF amount. The said fact is sought to be disputed by learned
counsel for the petitioner.

In the show cause filed on behalf of the opposite parties a
detailed account of deductions made from time to time as also the
complete statement of the Post Office account in which the

amount of CPF deductions of the employee and the employer contributions has been brought on the record. Learned counsel for the petitioner has sought to assail the same stating that the same does not show the full amount that has been deducted.

From a perusal of the Post Office account it appears that a large number of withdrawals have been made by the petitioner from his said provident fund account from time to time. It is for the petitioner to satisfy this Court that the amounts of deductions and contributions do not tally, which has not been done, and a bare denial has been made to put the burden upon the opposite parties to show that the payment made is not accurate. Learned counsel for the petitioner is unable to point out any discrepancy with regard to the contributions made by the employer in the contributory provident fund account of the petitioner.

In the said circumstances, the contempt application is not required to be proceeded further. It is, accordingly, dismissed.

It shall be open to the petitioner to move before the authority of the Zila Parishad for payment of any further amount on account of CPF in case any discrepancy is found with regard to deductions and contributions made along with interest and the account that has been produced.

With regard to arrears of difference amount of 5th and 6th

Pay Revision, learned counsel for the Zila Parishad submits that since fund has not been released for the same by the State Government no employee of the said Zila Parishad has been paid and as and when such payment shall be made to other employees of the Zila Parishad, the same shall be paid to the petitioner by the opposite party Zila Parishad.

(Ramesh Kumar Datta, J)

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