

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12857 of 2014

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Dr. Gokulanand Sahay, son of late Harivans Sahay, resident of 204 Saroj Complex
on Road 5D behind Rajesh Petrol Pump, North S.K. Puri, Patliputra, Patna

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Animal Husbandry, Govt. of Bihar, Vikash Bhavan, New Secretariat, Patna-15
2. The State of Jharkhand through the Principal Secretary, Department of Animal Husbandry, Jharkhand, Ranchi.
3. The Deputy Commissioner-cum-Chairman, District Rural Development Agency, Giridih, Jharkhand.
4. The Deputy Development commissioner-cum-Vice Chairman, District Rural Development Agency, Giridih, Jharkhand.
5. Managing Director, Accounts Administration and Self Employment, Giridih, Jharkhand.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Kundan Kuamr Sinha, Advocate

For the Respondent-State: Mr. Neeraj Kumar, AC to SC-7

For the State of Jharkhand: Mr. Manjari Nath, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 28-03-2017

The present writ application has been filed by the
petitioner for a direction to the respondents to pay the general
provident fund amount which has not been paid to him after his
superannuation due to fault on the part of the District Rural



Development Authority. Giridih, as it failed to deposit the general provident fund contribution of the petitioner in his account in Government Treasury for long causing loss of compound interest admissible to the petitioner.

2. The petitioner was posted as Assistant Planning Officer in the District Rural Development Authority, Giridih. He retired on attaining the age of superannuation on 30th April, 1992. After his retirement, he filed a writ petition before this Court vide C.W.J.C. No. 1941 of 1998 for directing the respondents to pay inter alia the amount of general provident fund along with interest and penal interest at the market rate from the date of retirement until payment with cost. After hearing the parties, the said writ petition was disposed of vide order dated 10.12.1998 with direction to the respondents to pay balance claim of retiral dues with interest at the rate of 10% from the due date till the date of payment with cost of Rs.1,000/-.

(3) The petitioner being not satisfied with the order passed by the learned Single Judge in aforesaid C.W.J.C. No. 1941 of 1998 preferred an intra-court appeal vide L.P.A. No. 107 of 2001 before the Division Bench. The said Letters Patent Appeal was disposed of vide order dated 08.03.2001 on the following terms:-

“Taking into consideration that the matter relates to payment of retiral dues, we are



disposing of this appeal with a direction to the authorities to consider the claim of the appellant for payment of interest on G.P.F. and in case the interest is not paid for the aforesaid period, then the same would be paid by the authorities within a period of two months from the date of receipt/production of a copy of this order.

With the aforesaid direction, this appeal stands disposed of.”

5. After disposal of the aforesaid L.P.A. No. 107 of 2001, the petitioner filed another writ application vide C.W.J.C. No. 11785 of 2002 raising the claim of his retiral benefits. However, when the matter was taken up, the counsel sought for permission to withdraw the writ application. Thereafter, the writ application was permitted to be withdrawn.

6. Being not satisfied with the interest paid over his retiral dues, the petitioner filed a contempt petition before this Court vide M.J.C. No. 582 of 2003 alleging wilful disobedience to the order passed in the writ application. However, the contempt petition was dismissed vide order dated 26.04.2006 as the petitioner failed to show any disobedience on the part of the respondents.

7. Against the order of dismissal in the M.J.C. No. 582 of 2003, the petitioner preferred a Special Leave Petition before



the Supreme Court which was also dismissed as withdrawn vide order dated 13.10.2006. Thereafter, the petitioner filed a review application before this Court vide Civil Review No. 45 of 2007, which was dismissed vide order dated 31.07.2013.

8. Having exhausted all his remedies, the petitioner has restarted the same issue by filing the present writ application almost on the same grounds as if a second inning before the court would give him some better result.

9. In view of the facts noted above, in the opinion of this Court, the writ application is not only frivolous and misconceived, but it is also an abuse of the process of court.

10. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.03.2017
Transmission Date	NA

