

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3084 of 2014

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Manoj Kumar, S/o Late Parmanand Prasad, Resident of Village -Sagar Pokhara
(East Bank), P.O+ P.S- Bettiah, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary, Department of Finance, Govt. of Bihar, Patna
3. The Director, Provident Fund, Provident Fund Directorate, Pant Bhawan, Bailey Road, Patna.
4. The Director-cum-Joint Commissioner, Accounts & Administration, Provident Fund Directorate, Pant Bhawan, Bailey Road, Patna.
5. The District Provident Fund Officer, Bettiah, West Champaran
6. The Managing Director, the Bihar State Forest Development Corporation, Patna.
7. The Accountant General, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava, Advocate
For the Respondent-State: Mr. Madhaw Prasad Yadav, GP-23
For the Respondent-AG : Mr. Anjani Kumar Sharan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 25-07-2017

The instant writ petition has been filed by the petitioner for making payment of post-retiral benefits including other consequential benefits along with statutory interest over the General Provident Fund amount, as the petitioner superannuated on 31.08.2012 from the post of clerk from the office of the District Provident Officer, Bettiah, West Champaran.



2. It is admitted by Mr. Shri Prakash Srivastava, learned counsel for the petitioner that during pendency of the writ petition the amount of General Provident Fund, Group Insurance and leave salary has already been sanctioned and paid to the petitioner. He has submitted that now the only grievance of the petitioner is that the payment of amount contributed to General Provident Fund has not been made with interest as directed by this Court in C.W.J.C. No.7702 of 2010 and analogous cases. He has submitted that the State in its counter affidavit has also admitted that final decision regarding claim of the petitioner in respect of payment of interest over the amount of General Provident Fund shall be taken after decision of C.W.J.C. No.7702 of 2010 and analogous cases.

3. On the contrary, Mr. Madhaw Prasad Yadav, learned Government Pleader No.23 has submitted that since the aforesaid C.W.J.C. No.7702 of 2010 and analogous cases has been decided by this Court recently, the petitioner may file a representation regarding his claim for payment of interest over the General Provident Fund contribution before the Director, Provident Fund, Provident Fund Directorate, Pant Bhawan, Patna, Bihar (respondent no.3).

4. I have heard the parties.



5. Having regard to the facts and circumstances of the case, the writ petition is disposed of with a direction to the petitioner to file a representation annexing a copy of the order before the respondent no.3 raising his claim of interest over the provident fund contribution within three weeks from today. In case such a representation is filed, respondent no.3 shall decide the same by a reasoned and speaking order within two months. In case, it is found that the case of the petitioner is covered by the order passed in C.W.J.C. No.7702 of 2010 and analogous cases and the petitioner is entitled to receive interest over the provident fund contribution, the same should be paid within the aforementioned stipulated period of two months. In case of rejection of representation of the petitioner, the order must be communicated to the petitioner on his postal address by registered post without any delay.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.08.2017
Transmission Date	NA

