

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6730 of 2017

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Chandra Shekhar Jha Son of Late Mishri Jha, Resident of Village- Kamala, P.O.
Manjhaul, P.S. Cheriya Bariyarpur, District Begusarai.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Water Resources Department,
Government of Bihar, Patna.
2. Principal Secretary, Finance Department, Government of Bihar, Patna.
3. Secretary, Rural Works Department, Government of Bihar, Patna.
4. Chief Secretary, Water Resources Department, Darbhanga.
5. Superintending Engineering, Water Resources Department, Anishabad, Patna.
6. Executive Engineer, Rural Works Department, Work Division, Dumraon,
District Bhojpur.
7. Executive Engineer, Rural Works Department, Work Division, Biraul,
Darbhanga.
8. District Provident Officer, Darbhanga.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 18-07-2017

In the present writ petition, the petitioner has prayed for directing the respondents to pay the amount of provident fund with interest as well as to pay pension after fixing the same on the basis of full length of service rendered by him to which he is legally entitled to in the facts and circumstances of the case.



2. It is submitted by the learned counsel for the petitioner that the petitioner was appointed in the year 1960 in the Water Resources Department and after serving at different places on the post of Gauge Reader, he superannuated on 31.01.1995 from the Work Division, Rural Works Department, Laheri Sarai, Darbhanga. It is submitted that after retirement, the pension of the petitioner had been fixed after counting his service till 01.07.1993 though he had retired from service on 31.01.1995. It is submitted that the details of contribution is available with the respondents as would appear from the various letters issued by them, but the amount of provident fund as well as the interest has not been paid to the petitioner without any valid reason.

3. Despite the fact that the writ petition has been filed after valid service of notice to the State, on repeated calls, nobody has appeared on behalf of the State.

4. From the facts stated in the writ petition and the submissions made before the Court, it would be evident that the cause of action for filing the writ petition arose on 01.02.1995, but the writ petition has been filed before this Court on 03.05.2017. There is no explanation for the inordinate delay caused in approaching this Court for the relief sought for in the writ petition save and except the fact that the petitioner kept on raising his grievance before the authorities



concerned. As the matter relates to payment of provident fund, the writ petition is not being dismissed on the ground of delay and laches.

5. However, in the facts and circumstances, the petitioner is directed to file a representation before the Executive Engineer of Division from where he superannuated within four weeks from today raising all his claims annexing a certified copy of the order. In case of filing such representation, the concerned Executive Engineer shall examine the same and after ascertaining the facts dispose it of by a reasoned and speaking order within four months. In case any amount is found due to be paid to the petitioner, the same shall be paid to him as early as possible, preferably within six months from the date of filing of the representation.

6. With the aforesaid observation and direction, the writ petition is disposed of.

(Ashwani Kumar Singh, J)

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