

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Civil Writ Jurisdiction Case No.110 of 2016
Along with
Interlocutory Application No. 7424 of 2017
And
Interlocutory Application No. 8458 of 2017**

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Bidyabhushan Pathak (since dead)

1. Shanti Devi wife of late Bidyabhushan Pathak
2. Jai Shankar Pathak
3. Vijay Shankar Pathak
4. Sudha Mishra
5. Madhuri Kumari @ Madhuri Pathak

All sons and daughters of Late Bidyabhushan Pathak

All resident of village- Fazilabad, P.O.- Mitanchak, P.S.- Gopalpur, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary of Bihar, Patna
2. The State of Jharkhand through the Chief Secretary of Jharkhand, Ranchi
3. The Director General Provident Fund Bihar, Patna
4. The Director General Provident Fund, Jharkhand, Ranchi
5. The District Provident Fund Officer, Patna
6. The District Provident Fund Officer, Ranchi, Jharkhand
7. The District Superintendent of Education, Patna
8. The District Superintendent of Education, Ranchi

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vinod Pandey with Mr. Shashi Ranjan, Advocates
For the State	:	Mr. AC to AAG 15
For the Respondents No. 2, 4, 6 & 8	:	Mr. Dhrub Mukherjee, AAG with Mr. A. K. Chongdar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 28-11-2017

Heard learned counsel for the parties.



Re.: Interlocutory Application No. 7424 of 2017 along
with Interlocutory Application No. 8458 of 2017

2. Interlocutory Applications have been filed seeking substitution of the sole petitioner, who died on 28.07.2017.

3. Having considered the matter, the prayer is allowed. Let the persons named in the Interlocutory Applications be substituted in place of the sole petitioner. Necessary correction be made in the cause title of the writ petition by learned counsel for the petitioner during the course of the day.

4. Interlocutory Applications No. 7424 of 2017 and 8458 of 2017 stand disposed off.

Re.: Civil Writ Jurisdiction Case No. 110 of 2016

5. The writ petition had been filed seeking payment of G.P.F.

6. In view of the materials on record, it appears that the admitted amount of G.P.F. has been sanctioned and actual payment is also going to be made within a few days in favour of the widow of the writ petitioner. The amount is Rs. 3,17,705/-.

7. Learned counsel for the petitioners submitted that the amount would be about Rs. 7,00,000/-.

8. Learned counsel for the respondents disputed the same and drew the attention of the Court to paragraph No. 24 of the writ



petition itself where it has been stated that the amount along with interest would come to about Rs. Two Lakhs but only Rs. 53,468/- was paid and Rs. 63,798/- was calculated for payment.

9. Having considered the matter, the Court finds that there is no genuine reason for any objection by the petitioners. In the year 2016 when the writ petition was filed, the due amount, along with interest was about Rs. Two Lakhs, out of which, Rs. 53,468/- was already paid. Thus, only about Rs. 1,50,000/- remained to be paid, according to the petitioner himself. Now, in the year 2017, when in place of the claimed amount of about Rs. 1,50,000/-, the authorities have paid Rs. 3,17,705/-, the amount being more than double, it cannot be said that the payment has been less.

10. Accordingly, the writ petition stands disposed off.

11. However, if the petitioners are able to draw up a calculation chart which shows that less payment has been made, they shall be entitled to file a detailed representation before the respondent no. 5, who shall consider the same and pass a reasoned order thereupon expeditiously.

(Ahsanuddin Amanullah, J)

Anjani/-

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