IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15220 of 2016

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1. Jagdish Prasad Son of Late Jibachh Prasad Resident of village - Bhagmariya (Ganauli), P.S. Laukaha, District Madhubani.
2. Sukhdeo Yadav Son of Late Janak Lal Yadav resident of village - Belhi Bhawanipur, P.S. Laukahi, District Madhubani.
3. Chandeshwar Mahatman Son of Late Yugeshwar Mahatman Resident of village - Chaturbhuj Piprahi, P.S. Laukaha, District Madhubani.
4. Kameshwar Gurmaita Son of Late Bhangi Gurmaita Resident of village - Chaturbhuj Piprahi, P.S. Laukaha, District Madhubani.
5. Jai Narayan Kapar Son of Late Srichan Kapar Resident of village - Chaturbhuj Piprahi, P.S. Laukaha, District Madhubani.
6. Bindeshwar Parshaila Son of Late Deo Narayan Parshaila Resident of village - Chaturbhuj Piprahi, P.S. Laukaha, District Madhubani.

... ... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Department of Primary and Adult Education, Govt. of Bihar, Patna.
3. The District Superintendent of Education, Madhubani, District Madhubani.
4. The District Provident fund Officer, Madhubani, District Madhubani.
5. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jagdish Prasad Singh, Adv.

Mr. Bimal Kumar, Adv.

For the State : Mr. Priyadarshi Matri Sharan, AC to AAG15

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 19-08-2017

The petitioners are retired as Assistant Teachers of different Middle Schools/Primary Schools, located within the district of Madhubani. They appear to have retired on different dates ranging from 31.01.2001 to 30.04.2008. It is their case that they have been depositing their contribution in their respective Provident Fund accounts regularly during the period of their employment up-to all periods including up-to 1976. It is the further case of the petitioners that the said amount with statutory interest, during the period prior to November, 1976, deducted as Provident Fund contribution from their salary, has not been paid.

2. Let the Principal Secretary, Department of Finance, Govt. of Bihar, be impleaded as party-respondent No. 5 to the writ

application, as requested by the learned counsel for the petitioners, in view of nature of the grievance of the petitioners.

3. A counter affidavit has been filed on behalf of the respondents-the State of Bihar, wherein, it has been stated that the said deductions made from the salary of the petitioners were used to be earlier deposited with Post-Office, but the accounts are not available.

4. Without disputing the claim raised on behalf of the petitioners, it has been stated that the District Magistrate, Madhubani, *vide* his letter, dated 18.10.2014, has already requested the Director, Primary Education, Bihar, to make available the allotment of funds to the tune of Rs. 4,00,000,00/- for payment of General Provident Fund amount to the retiring/retired employees/teachers of such schools. It has also been stated in the said counter affidavit that in response to the said communication, made by the District Magistrate, the Director, Primary Education, by its letter No. 58, dated 23.01.2015, has informed that the payment of contributory amount of General Provident Fund to the teaching/non-teaching employees of the school is to be made against the amount which has already been deposited and he has, accordingly, suggested the District Magistrate to verify the books of accounts from the office of District Education Officer, District

Provident Fund Officers and the concerned Post-Office to calculate the amount teacher-wise. It has also been asserted that a meeting has been held in the office of the District Magistrate, Madhubani, in pursuance of the letter, dated 23.01.2015, issued by the Director, Primary Education, Bihar. Further, teaching/non-teaching employees of various schools have been asked to provide their details in a format, provided therein, to settle their claims.

5. In paragraph 12 of the said counter affidavit following statement has been made :

> *"12. That it is needless to say that the answering respondent is willing to make payment to the petitioners and other such teachers / employees and in view of direction of the superior authorities, steps are being taken however, the deponent submits that as and when the funds will be made available by the state government, the claim of the petitioners shall be redressed, if the same is found to be genuine."*

6. On perusal of the pleadings on record including the counter affidavit, it is easily noticeable that the claim which the petitioners have raised in the present application, is not being disputed. It is

the case of the State of Bihar that they are collecting information for the purpose of calculation of entitlement of individual teachers and the legitimate claim of the petitioners shall be redressed, once fund in this regard is received from the State Government.

7. Since, there is no dispute about the claim of the petitioners against the amount deducted from their salary for being deposited in the Provident Fund account and they are entitled for the amount with statutory interest, I dispose of this writ application with a specific direction to the Principal Secretary, Department of Finance, Govt. of Bihar, to ensure that the petitioners receive their legitimate amount of General Provident Fund account, part of which has not been paid to them, as has been discussed above.

8. The said amount must carry statutory interest as is admissible on such General Provident Fund amount. The entire dues against the Heads of Provident Fund must be cleared within a period of three months from the date of receipt/production of a copy of this order.

9. This application is, accordingly, disposed of.

10. Learned counsel for the petitioners has submitted that petitioner No. 1 has received the amount deducted from his salary, which was to be deposited in the Provident Fund account, but interest, thereon, had not been paid to him.

11. This aspect of the matter shall also be looked into by the Principal Secretary, Department of Finance, Govt. of Bihar.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.08.2017
Transmission Date	N/A