

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 894 of 2017

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Vijay Prasad, Son of Late Awadh Nandan Prasad Singh, Resident of Village- Shri Bigha, P.S. Shakurabad, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Director-in-Chief, Health Services, Government of Bihar, Patna.
3. The Civil Surgeon -cum-Chief, Medical Officer, Jehanabad, District- Jehanabad.
4. The In-charge Medical Officer, Primary Health Centre, Sikariya, District- Jehanabad.
5. The District Provident Fund Officer, Jehanabad, District- Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi and
Mr. Gajendra Kumar Singh Advocates

For the State : Mr. Ramadhar Singh, G.P. 25
Mr. Upendra Prasad Singh, A.C. to G.P. 25

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 21-03-2018

Heard learned counsel for the petitioner and the State.

2. In terms of the order dated 05.03.2018, the respondents
no. 2 to 5 are present.

3. Affidavits have been filed on behalf of all of them in
which the stand is that the due amount of G.P.F. for the entire period



and also the remaining salary has been calculated and after adjusting the excess paid under Group Insurance and also after calculating the amount which was to be returned by the petitioner for having availed of advance loan of Rs. 30,000/- for motorcycle, still the amount of Rs. 66,220/- is due against the petitioner.

4. Learned counsel for the petitioner submitted that the terms on which the advance loan of Rs. 30,000/- for motorcycle was given was that the same shall be recovered at the rate of Rs. 500/- in monthly installment and the same has been recovered. It was further submitted that the petitioner was dismissed in June, 2003 and, thus, the reference in the chart prepared dated 14.03.2018, relating to G.P.F. by the authorities which refers to the sanction of motorcycle mentioning the date 27.05.2007 is erroneous. He further submitted that actually an amount of Rs. 50,000/- has already been recovered by way of adjustment of the motorcycle advance loan and, thus, the authorities showing the same again in the chart is erroneous.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties and the materials on record, it transpires that the petitioner was granted Rs. 30,000/- motorcycle advance loan under Memo No. 1025 dated 27.05.2002. Thus, the objection of learned counsel for the petitioner that the chart of G.P.F. referring to the date 27.05.2007 is erroneous



is not factually correct for the reason that the same is only a typographical error as the Memo number is the same i.e., 1024 and the date is also 27.05.2007, though the correct date is 27.05.2002, which is apparent from the copy of the original documents itself which has been brought on record by the petitioner himself in the rejoinder filed by him on 10.01.2018. Moreover, as per the own showing of the petitioner, if order of repayment was Rs. 500/-, then for Rs. 50,000/- it would take 100 months, i.e., more than eight years and admittedly the loan was granted under letter dated 27.05.2002 and then after a little over one year he was dismissed which clearly proves that even the principal loan amount of Rs. 30,000/- could not have been repaid till the time of his dismissal, which was within 14 months of grant of the advance loan. Further, the authorities have brought on record detailed chart of the accounting made by them, both with regard to the salary of the period he was not paid before and the G.P.F. calculation. The Court does not find that there is anything lacking on the part of the authorities in disclosing how they have arrived at certain figures and have made payment and how they have held the petitioner still liable to pay further amount. Thus, if at all, the petitioner has a genuine grievance with regard to there being error in the calculation, the writ jurisdiction of this Court is not the proper forum to get the matter settled.



6. In view thereof, the writ petition stands disposed off.

7. The petitioner shall be at liberty to represent before the authorities concerned pointing out the exact errors in the figures and calculation, which according to him has crept up in the official records. If such a representation is filed within four weeks from today before the competent authority, the same shall be looked into and verified from the records and a reasoned order passed within four weeks from the filing of such representation. It goes without saying that if anything further is required to be paid to the petitioner, the same shall be paid to him within the next four weeks.

8. Personal appearance of the officers stands dispensed with.

(Ahsanuddin Amanullah, J.)

P. Kumar

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