

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 19500 of 2014

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Dr. Sheo Nandan Prasad, S/o Late Permeshwar Prasad, Resident of Village - Ahiachak, P.O. - Jamsari, P.S. - Bind, District - Nalanda at presently residing at Supodera, P.O. - Farjamola, Via - Tatanagar, Jamshedpur, Singhbhum East (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar through its Secretary, Animal Husbandry and Fisheries Department, Government of Bihar, Patna.
2. The Accountant General, Bihar, Patna
3. The District Animal Husbandry Officer, Jamshedpur, Singhbhum East (Jharkhand).
4. The Treasury Officer, Jamshedpur, East Singhbhum (Jharkhand).
5. The Secretary, Department of Animal Husbandry, Government of Jharkhand, Ranchi.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dharmendra Kumar Sinha, Advocate
For the State	:	Mr. Rakesh Kumar Shrivastava, A.C. to G.P. 15
For the State of Jharkhand (For Respondents No. 3 to 5)	:	Mr. Nishi Nath Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 16-08-2018

Learned counsel for the petitioner; State of Bihar and State of Jharkhand have assisted the Court. Nobody appears on behalf of the Accountant General.

2. In terms of the order dated 26.07.2018, further affidavits were required to be filed by the petitioner as well as the



State of Bihar on the points enumerated in the said order. The next date in the case was also fixed for today.

3. However, such affidavit has been filed on behalf of the petitioner and not the State of Bihar. From the same it transpires that the petitioner has applied for final withdrawal of G.P.F. amount on 16.05.2007 i.e., almost 12 years after his superannuation and the payment was made on 07.04.2011.

4. As nothing on this point has been brought on record on behalf of the State of Jharkhand, the Court is constrained to observe that the explanation required to come from the State Provident Fund Officer, Eastern Singhbhum, with regard to delay in payment of G.P.F. even after petitioner having submitted his application for final withdrawal on 16.05.2007, not forthcoming and payment made after four years on 07.04.2011, the Court can only presume that there is no valid reason for such delay. Accordingly, the Court holds that the petitioner shall be entitled to interest for six months from the date of his superannuation and thereafter from 16.05.2007 till 31.03.2011, when the payments were made to him on 07.04.2011. The rate of interest shall be the rate payable under G.P.F. for the aforesaid period. The payment shall be made to the petitioner within three weeks from the date of production of a copy of this order before the respondents no. 3 and 4.



5. Coming to the issue of payment of pension and gratuity, the same has been withheld in terms of the order dated 07.02.2011 by the Animal and Fishery Resources Department, Government of Bihar. Perusal of the same discloses that future payment of pension and gratuity was stopped on a permanent basis. Thus, the petitioner will at least be entitled to payment of such dues for the interregnum period i.e., 01.08.1995 till 06.02.2011. The same has to be calculated and paid to the petitioner in terms of the provisions of the Bihar Pension Rules, 1950 and various orders/circulars/decisions of the State Government read with the orders of the Courts on such issue.

6. The Court having held the entitlement of the petitioner to such payment, the actual calculation is required to be made by the authorities concerned.

7. Accordingly, the respondent no. 1 shall work out the entitlement of the petitioner in terms of the present order and ensure that such payment is made to him within two months from the date of production of a copy of this order before him.

8. As the order dated 26.07.2018 has remained uncomplished with by the State of Bihar by not filing affidavit in terms of the said order, cost of Rs. 10,000/- is imposed for such conduct to be deposited in the Juvenile Justice Fund of the State Social Welfare



Department and receipt filed within two months.

9. The writ petition stands disposed off in the
aforementioned terms.

10. If receipt showing payment of cost is not filed in the
Registry within the aforesaid period, office shall place the matter
before the Bench for further orders.

(Ahsanuddin Amanullah, J.)

P. Kumar

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