

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5514 of 2018

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Mahendra Singh, Son of Late Sadasi Singh, Resident of Village - Gopiganj, P.O. Basudeopur Sarai, P.S. Sahebganj, District Muzaffarpur, the retired Constable No. 571, Patna District Police, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Senior Superintendent of Police, Patna, District - Patna.
3. The District Provident Fund Officer, Patna, District - Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 11-07-2018

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for the following

reliefs:

*“(I) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Authorities for payment of amount of General Provident Fund Account of the petitioner, who was serving the State as a Constable and has proceeded on retirement on 31.07.2007 with up-to-date statutory interest on the ground that if it is the duty of the employer to pay the amount of G.P.F. to its retiring employees, the petitioner cannot be permitted to suffer for the laches of the petitioner.*

*(II) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent Authorities to pay pendentelite interest also on the aforesaid amount of the petitioner on the ground that despite his retirement in 2007, he has not been paid his due amounts till today.*

(III) For issuance of any other appropriate writ/writs, order/orders directing/directions, for



which the writ petitioner would be entitled under the facts and circumstances of the case.”

3. During the pendency of the writ petition, the authorities have calculated the remaining amount of G.P.F. and have also paid the same to the petitioner and statement to this effect was made in the counter affidavit filed on behalf of respondent no. 3, after service of copy on learned counsel for the petitioner on 25.06.2018.

4. In view thereof, on 26.06.2018, when the matter was taken up, on prayer made by learned counsel for the petitioner, to file detailed response, the matter was adjourned to be listed on 10th July, 2018. Today, when the matter is taken up, there is no rejoinder to the counter affidavit. Thus, when in categorical terms, materials have been brought on record to show that the payment of G.P.F. with interest till 31st May, 2018 has been paid to the petitioner and there being no rejoinder to the same, the Court can safely presume that the admitted dues of the petitioner have been paid, in accordance with law.

5. Accordingly, the writ petition stands disposed off.

6. However, the petitioner shall be at liberty to file a detailed representation if he feels that any further amount for any period has been left unpaid. If such a representation is filed before the respondents no. 2 and 3, within four weeks from today, the



concerned authority shall look into the matter and pass a reasoned order within four weeks from the date of filing of such representation. If it transpires that anything further is required to be paid to the petitioner, in terms of the order passed on his representation, the same shall also be paid to him within the next four weeks.

(Ahsanuddin Amanullah, J.)

P. Kumar

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