

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12586 of 2018

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1. Surendra Kumar Singh, S/o Late Kishun Singh, R/o Mohalla- Magadh Colony, House No.-1199, Road No.-3, P.O.- Chandauti More, P.S.- Magadh Medical College, Town and District of Gaya
 2. Bindeshwar Das, S/o Late Dashai Das, R/o Village- Dhupan Tola, P.O. and P.S.- Khusrupur, District- Patna

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Old Secretariat, Patna.
2. The Deputy Development Commissioner -Chief Executive Officer, District Rural Development Agency, Gaya, P.O. and P.S. and District- Gaya.
3. The Director, District Rural Development Agency, P.O., P.S. and District- Gaya.
4. The Regional Provident Fund Commissioner, Employees Provident Fund Organization, R-Block, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Chandra Moleshwar, Advocate
For the State	:	Mr. Harish Kumar - GP- 8
For the E.P.F.O.	:	Mr. Satendra Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 21-05-2019 Heard learned counsel appearing for the respective parties.

By way of this petition, the petitioners have prayed
for the following reliefs:-

“(i) For payment of dues salary under Sixth Pay Commission vide order dated 19.02.2018 vide memo no.462 in favour of both the petitioners.



- (ii) *For payment of dues Provident Fund amount since 2008 to 20.11.2012 to the petitioner no.1.*
- (iii) *For payment of dues amount of Rs.7,921/- only in Provident Fund amount to the petitioner no.1.*
- (iv) *For payment of dues sanctioned leave amount for 300 days to the petitioner no.1.*
- (v) *Any other relief/s for which the petitioners are entitled to get in the facts and circumstances of this case.”*

In paragraph no.12 of the counter affidavit, the State has not denied the claim of the petitioners having stated that the funds are not available, as and when it will come, the same will be paid to the petitioners and other similarly situated persons. Paragraph no.12 of the counter affidavit is reproduced hereinbelow:-

“12. That thus attempts are being made by the State Respondents for payment of dues to the petitioners and other employees of the D.R.D.A. having similar claim and actually no delay is being made intentionally on the part of the state respondents no.2 and 3. Actually such money is not laying in the “Head” to be paid to them and when such amount will be provided by the Rural Development Department, Bihar, Patna, their genuine grievances will be considered and their dues will be paid without any delay.”

In such view of the matter, the State must ensure



the necessary fund so that the petitioners should be paid the amount, which they are entitled to.

So far the Provident Fund amount is concerned, in paragraph no.8 of the counter affidavit filed by the Employees' Provident Fund Organization, it has been stated that Rs.4,40,576/- has been credited to the account of the petitioners and for rest amount a request letter has been sent to the D.R.D.A to furnish the copy of Bank challans in proof of remittance of contribution along with copy of Form 3A(R)/6A(R).

Learned counsel for the State submits that what are the dues are standing in the D.R.D.A. that should be remitted so that the entire payment could be made to the petitioner.

Accordingly, the D.R.D.A. is directed to take necessary step for ensuring remittance of Bank Challans and contribution in the head of the petitioners, that should be done within a period of three months from the date of receipt/production of a copy of this order. The D.R.D.A. would inform the dues of the petitioner. The State also ensure the remittance of fund within a period of six months from the date of receipt/production of a copy of this order.

Let a copy of this order be communicated to the Principal Secretary, Finance Department.



With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

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