

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5550 of 2017

Amrendra Kumar son of Late Kamaldeo Tiwari, resident of Village- Janerwa, P.O. and Police Station- Areraj, District- East Champaran, at present resident of Village- Balua Tal, Police Station- Motihari Town, District- East Champaran
... Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna
2. The Chief Engineer, Rural Works Department, Government of Bihar, Patna.
3. The Superintending Engineer, Rural Works Department, Work Circle, Purnea.
4. The Executive Engineer, Rural Works Department, Rural Works Division, Katihar.
5. The Executive Engineer, Rural Works Department, Rural Works Division, Motihari, District- East Champaran
6. The District Provident Fund Officer, Katihar.
7. The Accountant General, Bihar, Beerchand Patel Path, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Bashishtha Narayan Mishra, Advocate
For the State	:	Mr. Ajay Bharti, AC to SC I
For the AG, Bihar	:	Mr. Dr. Anand Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-05-2019 Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

Writ petition has been filed for directing the respondents to pay the petitioner the amount of general provident fund, gratuity and earned leave amount with statutory interest of his father Kamaldeo Tiwari.

Petitioner's father died in harness on 21.6.1990 while functioning as the Executive Engineer, Rural Works



Department, Rural Works Division, Katihar. His mother was paid Rs.96,000/- after the death of her husband under the heading 'Group Insurance' beside the family pension.

The petitioner, nowhere in the writ petition, has given any explanation as to why he slept over the matter for last 27 years, save and except the averment made in paragraph 6 of the writ petition that his mother Sarswati Devi died on 19.5.2005 but prior to her death she had filed representation on 30.9.2004 before respondent no.5 requesting him to get the payment of general provident fund, gratuity and leave encashment amount with communication to respondent no.4.

Counter affidavit has been filed on behalf of respondent nos. 1 & 2, authorities of the Rural Works Department, Government of Bihar, Patna. In paragraph 8 of the counter affidavit, they state that after death of the father of the petitioner the family pension and the amount of group insurance was paid to her mother by the Road Construction Department, Government of Bihar, being his parent department. They further state that the Road Construction Department, Government of Bihar, Patna is the competent department to make payment of the death cum retiral benefits of the deceased father of the petitioner, as at the time of death father of the petitioner was



working under the Road Construction Department, Government of Bihar, Patna. It is further stated that the communication to this effect has also been made to the authorities of the Road Construction Department, Government of Bihar, Patna vide letter no. 4982 dated 26.4.2017.

In the facts and circumstances of the case, writ petition is disposed of with a direction to the petitioner to file a detailed representation before the authorities of the Road Construction Department, Government of Bihar, Patna within a period of six weeks from the date of receipt of this order.

In the event, such representation is filed by the petitioner, respondent authorities of the RCD, Government of Bihar, Patna would go through the claim of the petitioner and pass a reasoned and speaking order in accordance with law within a further period of six months.

Needless to state that the authorities must pay the admissible dues, if found due, to the petitioner within the said stipulated period.

Shashi

(Prabhat Kumar Singh, J)

U			
---	--	--	--

