

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14350 of 2019

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Om Prakash, aged about 67 years, Gender-Male, Son of late Ram Sarekh Ray,
Roshal Lal Colony, Anishabad, P.S. Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Revenue and Land Reforms Department,
Government of Bihar.
3. The Under Secretary, Revenue and Land Reforms Department, Government
of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Adv.

For the Respondent/s : Mr. Raj Kishore Roy (GP18)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 18-07-2019

Heard the learned counsel for the parties.

2. One Gauri Shankar Prasad Karn was paid his
GPF after a considerable delay. Aforesaid Gauri Shankar
Prasad Karn had approached this Court *vide* CWJC No. 157
of 2012 for payment of statutory interest for the delayed
payment of GPF, which was allowed by order dated



03.07.2012.

3. The Government, in its Revenue and Land Reforms Department, came to the conclusion that the cheque to be paid to aforesaid Mr. Karn remained on the table of one Mahendra Ram, the then Assistant and the petitioner, who also was an Assistant in the Revenue and Land Reforms Department. The amount of interest was calculated at Rs. 1,11,789/-. The apportioned share of the aforesaid amount on the head of the petitioner was calculated at Rs. 38,548/-.

4. Way-back in the year 2013, a communication was made by the Under Secretary of the Department to the petitioner and aforesaid Mahendra Ram for making available the aforesaid amount (for the petitioner, an amount of Rs. 38,548/-) as interest amount which was required to be paid to Mr. Gauri Shankar Prasad Karn. The aforesaid order was never implemented. After the petitioner has retired and at the time of his seeking withdrawal of the Gratuity amount, the aforesaid amount of Rs. 38,548/- is sought to be recovered.



5. The learned counsel for the petitioner has submitted that such amount cannot be recovered from the Gratuity of the petitioner. It has further been submitted that the amount which was apportioned on the head of another employee, *viz.*, Mahendra Ram, has not been recovered and he has received his entire post-retiral dues. It that view of the matter, it has been submitted, that no recovery ought to be made.

6. The petitioner has challenged the letter dated 14.03.2019, issued under the signature of Under Secretary of the Government in the Department of Revenue and Land Reforms, asking the petitioner to deposit the aforesaid amount as expeditiously as possible.

7. The learned counsel for the petitioner has submitted that without fixing the responsibility with respect to delayed payment of GPF to Mr. Karn, such proportionate amount of interest cannot be recovered from the post-retiral dues of the petitioner.

8. This Court is of the view that without fixing such responsibility, no recovery could have been ordered.



9. Under the aforesaid circumstances, this Court directs the petitioner to make a representation before the concerned respondent, *viz.*, Under Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna (respondent No. 3), giving his explanation that he was not responsible for the delayed payment of GPF, within a period of four weeks from today. On receipt of such representation, the matter shall be verified by the concerned respondent, who shall pass a reasoned order in accordance with law within a further period of four weeks thereafter.

10. Till the final decision by respondent No. 3, no recovery of the aforesaid amount shall be made from the petitioner.

11. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

