

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.191 of 2015

In

Civil Writ Jurisdiction Case No.7562 of 2008

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Gaurishankar Pandey, son of Late Surjdeo Pandey, Resident of Village Bhawanipur, PO- Thikarah (Bhawanipur), Police Station Sangrampur, Distirct- East Champaran, at present residing at Raod No.18, Sub Road No.2A, Near Murgi Farm, Rajeev Nagar, Patna 24.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Secretary -cum- Commissioner, Water Resources Department, Government of Bihar, Sichai Bhawan, Patna.
3. The Deputy Secretary, Water Resources Department, Government of Bihar, Sichai Bhawan, Patna.
4. The Secretary -cum- Commissioner, Finance Department, Government of Bihar, Patna.
5. The Provident Fund Commissioner, Pant Bhawan, Patna.
6. The Deputy Provident Fund Commissioner, Pant Bhawan, Patna.
7. The District Provident Fund Officer, Jamuai (Jamuie)/Munger.
8. The Managing Director, Bihar State Construction Corporation Ltd. Khauza Emali, Near Mahesh High School, Patna.
9. The Account Officer, Bihar State Construction Corporation Ltd. Near Mahesh High School, Patna.
10. The Works Manager, Motihari Unit, Bihar State Construction Corporation, Motihari

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajendra Kishore Prasad, Adv.
Mr. Vishwanath Prasad, Adv.
For the Respondent-State : Mr. Prabhat Ranjan, AC to GP-6
For the Respondent-Corporation: Dr. Anand Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Dated 02-01-2019

Heard Mr. Rajendra Kishore Prasad, learned
counsel appearing for the appellant, Mr. Prabhat Ranjan, learned
Assisting Counsel to Government Pleader No.6 for the State and
Dr. Anand Kumar, learned counsel appearing for the Bihar State
Construction Corporation.



This appeal arises from the judgment and order of a learned Single Judge dated 21.08.2014 passed in CWJC No.7562 of 2008, whereby the writ petition was disposed of without grant of indulgence to the relief regarding payment of provident fund amount to the appellant-petitioner together with statutory interest as claimed by the appellant-petitioner.

This matter was earlier heard on 17.12.2018 and this Court taking notice of the fact that due provident fund amount payable by the respondent-Corporation amounting to Rs.7,460/- had yet not reached the appellant-petitioner despite his superannuation in 2005 for the reason which we do not feel persuaded to discuss at this stage gave liberty to the learned counsel for the respondent-Corporation to present the cheque for the amount together with admissible interest.

The matter was posted 'For Orders' on 20.12.2018 and whereafter it is listed today when Dr. Anand Kumar, learned counsel appearing for the Corporation hands over a cheque for the amount of Rs. 45,826/- drawn on the State Bank of India in favour of the appellant-petitioner stated to be the principal amount of the provident fund admissible to the appellant-petitioner i.e. Rs.7,460/- together with statutory interest admissible thereon. The account-payee cheque is being received



by Mr. Prasad, learned counsel appearing on behalf of the appellant petitioner.

In view of the position so discussed above in our opinion, the grievance does not survive. However, in case the appellant-petitioner disputes the calculation of the interest amount he would be at liberty to represent before the authority concerned with facts and figures who would appropriately dispose of the same within eight weeks of filing of such application.

With the observation above, this appeal is disposed of.

(Jyoti Saran, J)

(Arvind Srivastava, J)

skpathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04-01-2019
Transmission Date	NA

