IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5677 of 2018

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Dr. Bibhuti Nath Thakur, Son of Late Ram Ekbal Thakur, Resident of Flat No. 407, Smriti Plaza, P.S.-Sadar, Anchal-Mushhari, District-Muzaffarpur Bihar.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Adult Education, Government of Bihar, Patna.
4. The Director, Primary Education, Education Department, Government of Bihar, New Secretariat, Patna.
5. The Circle Officer, Bathnaha, District-Sitamarhi Bihar.
6. The District Programme Officer, Establishment, Sheohar, District-Sheohar Bihar.
7. The District Education Officer, Sheohar, District-Sheohar Bihar.
8. The District Provident Fund Officer, Sitamarhi.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raju Giri, Advocate
Mr. Santosh Kr. Mishra, Advocate

For the Respondent/s : Mr. S.C. Mishra, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

11 16-05-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

2. Smt. Chinta Kumari, the District Education Officer, Sheohar (Respondent No. 7) and Sri Abhay Kumar, the District Provident Fund Officer, Sitamarhi (Respondent No. 8) have appeared in person. A counter affidavit has been filed on behalf of Respondent No. 8 stating therein that the calculation of GPF along with statutory interest has been made and a sum of Rs.

2,93,151=00 has been sent to the Block Education Extension Officer, Dumari Katsarai for payment of the same vide Annexure-D dated 30.04.2019, which is the remaining amount of GPF due to the petitioner's wife. No statement has been made with regard to deduction of income tax of Rs. 3,46,891=00 on Rs. 17,45,162=00 on account of family pension paid to the petitioner, period of which is not evident. However, no calculation chart of year-wise family pension has been either enclosed in today's counter affidavit or in the earlier counter affidavit filed on behalf of Respondent No. 7.

3. Considering the claim of the petitioner, the District Education Officer, Sheohar (Respondent No. 7) is directed to provide a calculation chart of the family pension year-wise to the petitioner and also give a certificate within a period of six weeks from today as to whether the income tax deducted on Rs. 17,45,161=00 to the tune of Rs. 3,46,891=00 and deposited with the Income Tax Department and take into consideration whether the family pension year-wise is taxable, if not, a certificate would be given, so that the petitioner can claim refund from the income tax authorities of the said amount of Rs. 3,46,891=00 or any amount so calculated.

4. The District Provident Fund Officer, Sitamarhi

would ensure payment of the remaining GPF amount to the petitioner on account of his late wife Smt. Usha Kumari, as contained in Annexure-D, for a sum of Rs. 2,93,151=00, within the said period of six weeks.

5. Writ application stands disposed of accordingly.

(Nilu Agrawal, J)

Rajesh/-

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