

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1418 of 2019

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Dhrub Narayan Mishra, Son of Late Shiv Narayan Mishra, resident of Village and Post- Belaury, P.S.- Guthani, District- Siwan. At present resident of Village- Amauna, Post- Rawat Par Amethia, P.S.- Lar, District- Deoria (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Provident Fund, Pant Bhawan, Baily Road, Patna
2. The Director, Provident Fund, Provident Fund Directorate, Pant Bhawan, Baily Road, Patna.
3. The District Magistrate, Saran, District- Saran at Chapra.
4. The District Provident Fund Officer, Saran, District- Saran at Chapra.
5. The Deputy Development Commissioner, Saran at Chapra, District Saran at Chapra.
6. The Treasury Officer, Chapra District- Saran at Chapra.
7. The Block Development Officer, Block- Masrak District Saran at Chapra.
8. The Accountant General, (A & E), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nityanand Mishra, Advocate
For the State	:	Mr. Anuj Kumar, AC to GP 24
For the Accountant General	:	Mr. Vivek Anand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 09-09-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Nityanand Mishra, learned counsel for the petitioner; Mr. Anuj Kumar, learned AC to GP 24 for the State and Mr. Vivek Anand Kumar, learned counsel for the Accountant General.



3. The petitioner has moved the Court for the following reliefs:

“(i) For issuance of a writ in the nature of mandamus commanding/directing the respondents to make payment of full and final payment of gratuity, GPF, and leave encashment and also interest on the GPF amount, Gratuity, leave encashment, Commutation pension, and Group Insurance which has been paid delay from the date of retirement of the petitioner.

(ii) Further commanding/directing the respondents to furnish the entire calculation chart including up to date statutory interest relating to actual payment of GPF amount.

(iii) Further commanding/ directing the respondents to revise the pension and gratuity of the petitioner according 6th pay revision.

(iv) Further commanding/directing the respondent concerned to make payment the due salary for the period 1.4.2011 to 5.5.2012 which is about 13 months for which period the petitioner had worked after his retirement i.e. since 31.3.2011 along with admissible interest.

(v) For any other relief/reliefs for which the petitioners are entitled to in the facts and circumstances of the case.”

4. Numerous affidavits have been filed on behalf of the State bringing on record detailed calculation charts of payments made.

5. Learned counsel for the petitioner submitted that there has been delayed payment of Leave Encashment of two years and with regard to others, they have been paid after 8 or 9 months and, thus, the Court may grant interest on the same.



6. The petitioner superannuated on 31.03.2011, and has received payments within a year or two, except for GPF and GIC, which already carry statutory interest and the same has been paid up-to-date. As the petitioner got the payments within a few years of superannuation and has filed the writ petition after eight years of his superannuation, the Court finds no occasion to go into the aspect of awarding interest on delayed payment.

7. In view of the materials on record, the Court finds that all due payments of the petitioner under all heads have been made.

8. At this juncture, learned counsel for the petitioner submitted that the calculation charts need to be verified.

9. The Court accepts that once the petitioner has the calculation charts, it is always open for him to go through the same and if any error is detected, it is a purely mechanical exercise for which no judicial intervention is required. It is for the petitioner to point out the error, if any, to the authorities concerned, who are required to verify the same from their records and do the needful.

10. Accordingly, the writ petition stands disposed off with liberty to the petitioner to file a detailed representation with regard to any error in the calculation chart brought on record with



regard to payment made to him under GPF, GIC etc. If such a representation is filed within six weeks from today before the Competent Authority, the same shall be looked into and verified from the records and detailed order shall be passed within six weeks from filing of such representation. If it transpires that the contention of the petitioner with regard to there being error in the calculation is correct, any difference amount which may be required to be paid to him shall also be paid within two months of passing of the order on his representation.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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