

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5936 of 2019

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Rajaya Nand Bardiyar Son of Late Satyanand Bardiyar Resident of Village-
Nadraganj, P.S.-Gaya Kotawali, District-Gaya. At present R/o-Ram Nagari
Road Jagdhano Apartment Flat No.1/B, P.S.-Shastri Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare
Department Govt. of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department Govt. of Bihar, Patna.
3. The Principal Secretary, General Administrative Department, Govt. of Bihar,
Patna.
4. The Director I.C.D.S. Directorate I.C.D.S. Bihar, Patna.
5. The Joint Secretary General Administrative Department Govt. of Bihar,
Patna.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dr. Satyendra Kumar Srivastava
For the Respondent/s : Mr.Gyan Shankar, A.C. to G.P.2
Mr. Rajnandan Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 23-06-2020 Heard learned counsel for the petitioner, Mr. Gyan
Shankar, learned A.C. to G.P.2 and Mr. Rajnandan Prasad,
learned counsel for the Accountant General through Video
Conferencing.

The petitioner seeks following reliefs:

(I) For the issuance of an appropriate writ including a
writ in the nature of mandamus to the respondents,
directing to release the entire general provident fund
amount of the petitioner deducted under G.P.F.
No.BHR/BAS-2939 by way of Employee General
Provident Fund amount.

(II) For the issuance of any other appropriate
order/direction as your Lordships may deem fit and
proper for the ends of justice.

The petitioner superannuated from the post of
Director, ICDS, Patna. Petitioner was an officer of Bihar



Administrative Services and he joined on 09.07.1992. The petitioner superannuated on 28.02.2018. Petitioner has been paid his retiral dues but till date, his G.P.F. amount has not been released which was deducted under the scheme vide G.P.F. No.BHR/BAS-2939. The petitioner represented before the authority on 31.01.2019 but till date, no payment has been made.

The respondent Nos.3 and 5 and respondent No.4 filed counter-affidavit and supplementary counter-affidavit. Respondent No.4, Director, ICDS, Bihar, Patna has stated that authority slip to Accounts Officer, ICDS Directorate under letter no.PA/2018/FP/388 dated 27.02.2018 for Rs.11,96,651/- and letter no.PA/2018/FP/829 dated 29.05.2018 for Rs.1,72,331/- were issued for payment to the petitioner and the same amount has already been paid vide Annexure 'C' and 'D' to the counter-affidavit. The petitioner has filed reply to the counter-affidavit disputing the fact that entire amount of G.P.F. has been paid. The petitioner submits that as per G.P.F. statement of Bihar Govt., the closing balance of the petitioner in the year 2017-18 was Rs.21,52,931. The deduction of salary from the training period of the petitioner in the year 1993-94 is about 8,668/- upon which the interest has not been calculated. The petitioner has roughly calculated the amount for 1993-94 is about 1,72,331/- and, therefore, the petitioner is entitled to get Rs.23,25,262/- but he has been paid till date only Rs.13,68,982/-. The petitioner is entitled to get remaining amount of Rs.9,56,280/-.

It is evident that petitioner claimed the entire balance in his G.P.F. amount till the end of year 2017-18 to Rs.21,52,931/-. The petitioner further claimed that he has not



been paid the interest on the amount during the period of his probation i.e. 1993-94 which approximately comes to Rs.1,72,331/-. Thus, I think it proper to dispose of this writ petition with a direction to the Director, Provident Fund, Bihar, Patna that he shall calculate the entire amount deducted by the petitioner with interest thereon and give a hearing to the petitioner and thereafter pass order in accordance with law within two months from the date of receipt of this order. The petitioner shall appear before the Director, Provident Fund by filing a detailed representation.

With the aforesaid direction, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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