

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15732 of 2017

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Satish Choudhary S/o late Hargovind Chaudhary, Resident of Village- Ujjan
Kanakpur, Kiyahi Tola, P.O.- Lohra Road, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food & Civil Supply Department.
2. The District Magistrate, Nalanda.
3. The Managing Director, Bihar State Food and Civil Supply Corporation, Patna.
4. District Manager, Bihar State Food and Civil Supply Corporation Patna.
5. Asst. Accounts officer, Department of Post, Patna.
6. The Postal Superintendent, Darbhanga, Bihar.
7. The Commissioner, Employees State Provident Fund, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Mustaque Alam, Advocate
For the Deptt. of Posts	:	Mr. Anshuman Singh, Advocate
For the EPF	:	Mr. Jitendra Kumar Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 23-09-2020

Heard learned counsel for the petitioner and learned counsel for the respondents through video conference.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition --

“(i) For issuance of a writ in the nature of mandamus directing the respondents concerned to pay all the arrear dues of the family pension of his mother namely, Ajgut Devi, wife of Late Hargobind Chaudhary, w.e.f. 01.01.2007 to 15.02.2017 i. e. till death and amount of D.A. of 1999 and 2000, which the petitioner is legally entitled;



(ii) For issuance of a writ in the nature of mandamus directing the respondents concerned to pay the amount of interest at the current market rate on the whole amount of the arrear dues of his mother namely, Ajgut Devi;

(iii) For any other relief/reliefs for which the petitioner is entitled under the facts and circumstances of the instant writ application.”

3. Learned counsel for the petitioner submits that his mother, Most. Ajgut Devi died on 16.02.2017 was a family pensioner and she has not been paid her family pension from 01.01.2007 to 15.02.2017 i.e. till death and amount of D.A. of 1999 and 2000 is also payable to her. It is further submitted that the petitioner has filed several representations before the respondent-authorities, but to no avail.

4. Learned counsel for the Employees State Provident Fund appears, in view of which let the office implead the Commissioner, Employees State Provident Fund, Patna as respondent no. 7 in the writ petition.

5. Learned counsel for the respondent-Employees State Provident Fund invites reference to the statements made in paras 8, 9 and 10 of their counter affidavit, submitting that in absence of the relevant records, the petitioner may furnish the requisite documents. Learned counsel for the petitioner assures that he would furnish all the requisite documents to the office of the Commissioner, Employees State Provident Fund, Patna (respondent no. 7) expeditiously.

6 . Learned counsel for the respondent-Employees State Provident Fund assures that necessary steps will be taken for processing and finalising the claim of the petitioner upon submission of the requisite documents by the petitioner and its



verification expeditiously and in any event, efforts would be made to make payment of the due amount within eight weeks thereafter.

7. Having regard to the stand of the respondent-Employees State Provident Fund, the writ petition is disposed of with a direction to the petitioner to furnish the requisite documents to the office of the Commissioner, Employees State Provident Fund, Patna (respondent no. 7) within a period of two weeks from today, to enable the same to be processed and finalised. Payment to the extent found due to the petitioner upon determination shall be made without delay. In case the petitioner's claim is found inadmissible, whether in whole or in part, the petitioner's claim shall be disposed of by a speaking order in that regard.

8. It is also made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through e-mail and that the petitioner shall be at liberty to request the concerned authority for hearing through video conference. For this purpose, the petitioner shall furnish his mobile number and e-mail ID to the concerned authority.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	25.09.2020
Transmission Date	-

