

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15897 of 2018

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Chanda Devi Wife of late Kailash Singh Resident of Mohalla- Bazidpur,
Digha, Police Station- Digha, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director Provident Fund, Patna,Bihar.
3. The Excise Commissioner, Patna Bihar.
4. The District Magistrate, District Nalanda, Bihar.
5. The Superintendent of Excise, District Nalanda, Bihar.
6. The District Provident Fund Officer, District Nalanda, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shyam Kishor Das
For the Respondent/s : Mr.Kumar Manish -Sc5

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 08-06-2020 The petitioner has filed the present writ petition for
the following relief:-

“A. Issuance of an order/direction or writ in the nature of mandamus commanding the respondent no. 2 & 6 in view of memo no. 1733 dated 1.12.1982, letter no. 1378 dated 25.10.94 and letter no. 796 dated 25.4.2008 issued by the Superintendent of Excise, Nalanda (Bihar) whereby and whereunder direction was issued to the District Provident Fund Officer, Nalanda, Bihar Sharif to issue a authorisation letter pertaining to final payment of late Kailash Singh, Excise Constable (husband of the petitioner)



B. Issuance of an order,direction or writ in the nature of mandamus commanding the respondent authorities to make final payment of provisions fund, arrear of revised pay amount of gratuity, difference of salary, unutilized leave and amount of revised pension of the husband of the petitioner with consequential benefits.”

There is no dispute that the husband of the petitioner died in harness on 13.2.1982. The widow has to approach the Court in 2018 with a grievance that respondents have not paid the provident fund and other admissible death-cum- post retiral dues.

A counter affidavit has been filed on behalf of the respondent Nos. 2 and 6, the Provident Fund Department. Paras 6 to 10 of the counter affidavit is quoted below for ready reference:-

“6. That it is humbly stated and submitted that the petitioner has filed this writ application seeking direction upon the respondent in view of memo no. 1733 dated 1.12.1982, letter no. 1738 dated 25.10.1994 and letter no. 796 dated 25.04.2008 issued under the signature of Superintendent of Excise,Nalanda (Bihar) whereby and whereunder direction was issued to the District Provident Fund Officer, Nalanda,



Biharsharif to issue authority letter pertaining to final payment of late Kailash Singh, Excise constable happens to be husband of the petitioner and for other reliefs.

7. That the present respondent is concerned only with the GPF amount of the petitioner.

8. That the brief fact of the case is that the husband of the petitioner died in harness during his service on 13.02.1982.

9. That the parent department of the deceased husband of the petitioner provided the final withdrawal application form (BTC-56) to the office of the present respondent vide letter no. 105 dated 28.1.2019.

10. That soon after receipt of the Final Withdrawal Application Form (BTC-56) the present respondent made calculation of the GPF amount of the deceased husband of the petitioner and authorized the same vide authority letter bearing no. 108 dated 09.02.2019 amounting to Rs. 98,164/- (Rupees Ninety Eight Thousand One Hundred Sixty Four only) along with up to date interest thereon and the same has already been dispatched to the Excise Superintendent, Nalanda for making payment of the authorized amount.”

Unfortunately, there is delay of 37 years in settling



the dispute of provident fund and the widow has to suffer non-payment of the dues for 37 years. The inordinate delay in making payment cannot be ignored.

Considering the delay of approximately 37 years, the Court directs the respondents to pay interest at the rate of 6% per annum from 1982 till the date of actual payment. The respondents are at liberty to realize the interest component from those officers who were found responsible for delay in making payment of the provident fund dues to the petitioner. The payment of interest must be made to the petitioner within a maximum period of two months from the date of receipt/production of a copy of this order failing which the District Provident Fund Officer, Nalanda shall not draw salary until payment of entire dues as indicated hereinabove.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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