IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17200 of 2017

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Radha Raman Upadhaya Son of late Shiv Mangal Upadhaya Resident of Village and P.O.- Mahajpura, P.S. Bikram, District- Patna, Pin Code- 801104

... ... Petitioner/s

Versus

1. The Principal Secretary, Education Department and Ors
2. The Director, Primary Education Department Vikash Bhawan Bailey Road, Patna.
3. The Deputy Directory, Primary Education Department Vikash Bhawan Bailey Road, Patna.
4. The Director, General Provident Fund Pant Bhawan, Bailey Road, Patna
5. The Collector, District Patna.
6. The District Provident Fund Officer, Patna.
7. The District Programme Officer, Establishment, Patna.
8. The Treasury Officer, Danapur.
9. The Drawing and Disbursing Officer Primary School Faridpura, Naubatpur-02

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ghanshyam Sharma, Advocate

For the Respondent/s : Mr.Kameshwar Kumar -GP-17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

5 02-07-2020 Heard learned counsel for the petitioner and the respondents.

The grievance of the petitioner in the present writ petition is with regard to payment of Provident Fund amount for which deductions were made for the years 1986-1987 to 2003-2004 and authorize remaining balance amount of dues after deducting the payment of Rs. 2,99,939/- and to provide monthly deduction chart of GPF from March, 1986-87 to 2002-2003.

A counter affidavit has been filed on behalf of the District Programme Officer (Establishment) in which in paras 10 to 17 following statements have been made:-

> 10. That the statement made in paras 5 and 6 of the writ application relates to other position respondent i.e. respondent No. 6 and he would be in better position to reply the contention of the petitioner as to whether the calculation of amount of GPF was properly done or not and authority for payment of GPF amount issued in the year 2005 was of final payment or part payment of GPF amount of the petitioner.
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> 11. That in reply to statements made in para No. 7 of the writ application is not correct so far as relates to filing of representation by the petitioner before the answering respondent is concerned as no such representation was ever filed by the petitioner and further no such representation has been annexed with the writ application to substantiate his contention.
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> 12. That so far as statements made in para No.8 to 11 of the writ application is concerned, it is humbly stated that in fact, the petitioner has not make out a specific claim that he was paid part amount of GPF any only bald statements has been made for issuance of authority for remaining amount

however, the same shall is to be ascertained by the office of the District Provident Funds Officer, Patna and further, after his retirement in the year 2004 till year 2017, the petitioner has not made any representation demanding deduction details in GPF. Treasury Voucher etc. on earlier occasion and therefore, the contention of the petitioner raised in para-11 is not correct.

13. That the statements made in para No.12 of the writ application are submission of the petitioner regarding his claim and statements made in para-13 and 14 are ornamental and hence, needs no specific reply by the answering respondent.

14. That however, in view of filing of the writ application the In-Charge Heasd Master, Kanya Middle School, Kayapur Fatehpur, Naubatpur, Patna as well as Drawing and Disbursing Officer were directed to furnish the deduction details of GPF. T.V. etc. in respect of the petitioner so that his claim should be ascertained.

15. That simultaneously, the District Provident Funds Officer, Pastna vide letter no.324 dated 23.03.2018 also requested to provide deductions details so that appropriate action cold be taken.

16. That it is stated that In-Charge Heasd Master, Kanyas Middle School;,

KayapurFatehpur, Naubatpur, Patna submitted the available the deduction detasils of GPF in respect of the petitioner from February, 1997 to October, 2003 which has already been forwarded to the District Provident Funds Officer, Patna, vide letter no.5035 dated 02.07.2018 for needful.

17. That it is humbly stated that since the matter is very old, the available deduction details with T.V. no. has been made available to the District Provident Funds Officer, Patna and it is needless to say that the petitioner is solely responsible for delay in agitating his claim, if any, after a long delay of 12 years after his retirement and therefore, the said claim is fit to be rejected as it suffers from delay and laches on the part of the petitioner."

In the counter affidavit there is no statement that payments have been made.

Under the aforesaid circumstances, the writ petition is disposed of with direction to the District Programme Officer (Establishment), Patna, respondent no.7 and the District Provident Fund Officer, Patna, respondent no.6 to ensure payment of the balance Provident Fund amount with detailed calculation chart with regard to Provident Fund deductions from

1986-1987 to 2003-2004 and ensure payment of statutory interest thereon. If the payment has not been made, it must be paid within a maximum period of 60 days from the date of receipt/production of a copy of this order failing which the petitioner would be entitled to additional interest @ 9% per annum from the date of filing of the writ petition till the date of actual payment.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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