IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20142 of 2018

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Surya Narayan Lal Das, Son of Late Parshuram Lal Das, Resident of Village and Post- Chichri, Kanungo, P.S.- Raj Nagar, District- Madhubani.

... ... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Madhubani, District- Madhubani.
3. The District Panchayat Raj Officer, Madhubani, District- Madhubani.
4. The Block Development Officer, Block- Jai Nagar, District- Madhubani.
5. The Director Provident Fund, Provident Fund Directorate, Pant Bhawan, Bailey Road, Patna.
6. The District General Provident Fund Officer, Madhubani, District- Madhubani.
7. The Accountant General (A&E), Bihar, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nityanand Mishra, Adv.
For the State	:	Mr. Kameshwar Prasad Gupta, GP10 Mr. Satya Vrat, AC to GP-10
For the A.G.	:	Mr. Bindhyachal Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date : 05-08-2021

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

2. The present writ petition has been filed for the following reliefs as formulated by the petitioner-

"(i) For issuance of an appropriate writ in the nature of mandamus directing and commanding the respondents to make payment of full and final G.P.F. amount for the period from 15.6.1958 to 1976-77 to the

petitioner along with statutory interest compound in nature as for the above said period G.P.F. amount were deducted, but not paid to the petitioner.

(ii) Further for directing the respondent concerned to furnish / make available entire calculation chart of G.P.F. deduction and paid G.P.F. amount to the petitioner.

(iii) Further for directing the respondent concerned to make payment of compensation to the petitioner for negligence and deliberate latches on the part of respondent concerned for not paying full and final G.P.F. amount for the period from 15.6.1958 to 1976-77 to the petitioner.

(iv) Further for grant of any other relief/reliefs for which the petitioner is entitled to."

3. The short facts of the case according to the petitioner are that he was initially appointed on 15.6.1958 as Panchayat Secretary in the office of Block Development Officer, Block-Pandol, Dist. Darbhanga and in due course he superannuated from the post of Panchayat Secretary on 31.5.1998 from the office of the Block Development Officer, Jainagar, Madhubani. After retirement, various arrear retiral dues were paid to the petitioner

except G.P.F. amount for the period 15.6.1958 to 1976-77, although the G.P.F. amount for the period 1977-78 up to 31.5.1998 was calculated and the amount paid at Rs. 1,25,432/- sometime in the year 2000.

4. Learned counsel for the petitioner submits that the G.P.F. amount for the period from 15.6.1958 to 1976-77 has wrongly been denied by the respondent for which the petitioner has filed applications dated 25.11.2011 and 23.7.2013 before the District Provident Fund Officer, Madhubani (Respondent No.6) but, to no avail and no further payment was made to the petitioner.

5. A counter affidavit has been filed on behalf of the respondent nos. 5 & 6 stating that the matter being old, the relevant documents are not traceable in the office of the respondent no. 7. In any event, a copy of the letter dated 9.10.2018 showing the balance transfer up to 1981-82 as Rs. 1,113/- has been enclosed (Annexure-A). A calculation chart from the year 1977-78 has also been enclosed (Annexure-B). Finally, according to letter dated 3.12.2018 (Annexure-C), the entire dues, namely the missing amounts for the years 1977-78, 1980-81 and 1981-82 along with interest (Rs. 1398/-), the balance transfer from the beginning of service period up to 1981-82 (Rs. 1113/-), and thereafter for the period 1982-83 up to the date of the petitioner's retirement,

together with interest, was calculated altogether at Rs. 1,25,432/- in full settlement of the petitioner's claim towards G.P.F.

6. A counter affidavit has also been filed on behalf of the Account General (A & E) (Respondent No.7) according to which in terms of letter dated 1.4.1986 issued from the office of the Controller and Auditor General of India, the provident fund account of the State Government employees came to be transferred to the State Government effective from 1.4.1980. The office of the respondent no.7 was thus relieved from the responsibility of maintaining the provident fund accounts of the State Government employees and accordingly the balance transfer of the petitioner's G.P.F. account up to 1981-82 amounting Rs. 1,113/- was sent.

7. Having heard the parties and on consideration of the materials on record, this Court is not inclined to interfere in the matter. The respondent nos. 5 & 6 have enclosed copies of the documents to support the stand that the balance transfer as on 1981-82 was Rs. 1,113/- which is also supported from the counter affidavit of the Accountant General (respondent no.7). A specific stand has been taken in the letter dated 3.12.2018 issued by the District General Provident Fund Officer, Madhubani (Annexure-C) that the entire dues of the petitioner right from the beginning of the petitioner's service up to his superannuation has been calculated in

the manner enumerated therein and accordingly a total of Rs. 1,25,432/- has been paid to him. On the other hand, the petitioner has not raised any specific grievance with regard to any particular year or deducted/contributed amount for which the GPF has not been paid. It cannot be lost sight of the fact that the petitioner had retired as far as on 31.5.1998 and the issue raised in the present writ petition are issues of fact which cannot be decided appropriately in the writ petition.

8. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.08.2021
Transmission Date	