

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.32 of 2021

In

Civil Writ Jurisdiction Case No.10448 of 2019

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1. The Central Board of Trustees, Employees Provident Fund Organization through the Regional Provident Fund Commissioner-II (Legal), Employees Provident Fund Organization, Regional Office, R. Block, Road No.6, P.S.-Sachivalaya, District-Patna.
 2. The Central Provident Fund Commissioner, New Delhi.
 3. The Regional Provident Fund Commissioner, Employees Provident Fund, Bhavishya Nidhi Bhavan, R. Block, Road No.6, Patna-800001

... .. Appellant/s

Versus

1. Satyendra Narayan Sinha, Son of Late Babu Lal Sinha, Resident of Village-Khabh, P.S.-Arwal, District-Arwal, Date of retirement 31-08-2000, as Accountant, Patna Division of B.S.R.T.C., EPF No. A/C 282
2. Upendra Narayan Patel, Son of Late Babu Lal Sinha, Resident of Village-Khabhaini, P.S.-Arwal, District-Arwal, Date of retirement 30-06-2007, as Accountant, Head Quarter of B.S.R.T.C., EPF No. A/C 445
3. Salauddin Khan, Son of Late Peer Mohamd Khan, Resident of Motha, P.S.-Arwal, District-Arwal, Date of retirement 30-06-2012, as Clerk, Jehanabad Depot, B.S.R.T.C., EPF No. available.
4. Lal Deo Pd. Sinha, Son of Late Ram Lal Sinha, Resident of Village-Sukhi Bigha, Sanwan Baidrbad, P.S.-Arwal, District-Arwal, Date of retirement 31-01-2003, as Clerk, Jehanabad Depot, Division Gaya, B.S.R.T.C., EPF No. not available
5. Surti Devi, W/o Late Ram Keshwar Sao, Resident of Village-Prasadi English Dest, P.S.-Arwal, District-Arwal, Date of retirement 31-01-2001, as Clerk, Paliganj Depot, Patna Division of, B.S.R.T.C., EPF No. not available
6. Bhikhari, Ram Son of Late Bhageran Ram, Resident of Village- Aslampur, P.S.-Arwal, District-Arwal, Date of retirement 31-07-2008, as Senior Store Keeper, Central Store Phulwari, Patna B.S.R.T.C., EPF No. not available
7. Raghubir Singh, Son of Late Ram Bhawan Singh, Resident of Village-Nonia Bigha P.O.-Phakharpur, P.S.-Arwal, District-Arwal, Date of retirement 28-02-2001, as Traffic Inspector, Muzaffarpur Division of B.S.R.T.C., EPF No. not available
8. Sheo Janam Singh Son of Late Sita Singh, Resident of Village-Bajitpur, P.O.-Sarwan, P.S.-Arwal, District-Arwal, Date of retirement 30-04-2009, as Clerk, Jehanabad Depot, Division Gaya, B.S.R.T.C., EPF No. not available
9. Md. Halim, Son of Vajul Hak Ansari, Resident of Village-Prasadi English, P.O.-Prsadi English Sonbarsa, P.S.-Arwal, District-Arwal, Date of retirement 30-11-2012, as Driver, Head Office Patna Division of B.S.R.T.C., EPF No. not available
10. Kapil Deo Singh, Son of Late Devki Nandan Singh, Resident of Village-



- Prasadi English P.O.-Prasadi English, P.S.-Arwal, District-Arwal, Date of retirement 31-12-1991, as Conductor, Jehanabad Depot, Gaya, Division of B.S.R.T.C., EPF No. not available
11. Tuni Devi, W/o Kishori Prajapati, Resident of Village-9 no. Pool, Ward No. 9, P.O. and P.S.-Arwal, District-Arwal, Date of retirement 31-01-2013, as Khashi (Husbad), Jehanabad Depot, Gaya Division B.S.R.T.C., EPF No. not available
 12. Mathura Chaudhar, S/o Late Ram Buich Chaudahry Resident of Village-Malhipatti, P.O.-Baidrabad, P.S.-Arwal, District-Arwal, Date of retirement 31-01-2013, as Store Keeper,, Jehanabad Depot, Division of B.S.R.T.C., EPF No. not available
 13. Rameshwar Singh, Son of Late Chandrmo Singh, Resident of Village-Noniabigha, P.O. Fakharpur, P.S.-Arwal, District-Arwal, Date of retirement 31-07-2011, as T.C. Jehanabad Depot, Gaya Division of B.S.R.T.C., EPF No. not available
 14. Ram Pravesh Sharma, Son of Sakaldeep Sharma, Resident of Village-Gandhar, P.O. Bandhuganj, P.S.-Ghosi, District-Jehanabad, ate of retirement 31-06-2013, as T.C. Jehanabad Depot, Gaya Division of B.S.R.T.C., EPF No. not available
 15. Ganesh Zamadar, Son of Sanu Zamadar, Resident of Village-Khiroatgarh, P.O. Karma, P.S.-Ghosi, District-Jehanabad, Date of retirement 30-11-2011, as Conductor, Jehanabad Depot, Gaya Division of B.S.R.T.C., EPF No. not available
 16. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
 17. The Principal Secretary, Transport Department, Patna, Bihar.
 18. The Bihar State Road Transport Corporation through the Administrator, Beerchand Patel Marg, Patna, Bihar.
 19. The Administrator, BSRTC, Beerchand Patel Marg, Patna, Bihar.
 20. The Chief Accounts Officer, BSRTC, Beerchand Patel Marg, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajeev Kumar Verma, Sr. Advocate Mr. Prashant Sinha, Advocate
For the Respondent/s	:	Mr. Ajay Kumar Rastogi, AAG-10 Mr. Arvind Prasad Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-09-2021

Appellants have prayed for the following relief/s :-



“That this LPA is being preferred on behalf of the appellants abovenamed against the order dated 07-07-2020 passed by Hon’ble Mr. Justice Anil Kumar Upadhyay in CWJC No. 10448 of 2019 whereby his Lordships has been pleased to direct for refund of the amount to the petitioners with interest and in the event of non-payment to the petitioners, the concerned respondents have been directed to not to draw their salary until payment of the entire dues to the petitioners.”

The impugned order is reproduced in toto:-

“Heard learned counsel for the petitioner and the counsel appearing on behalf of the State as well as Mr. P.K. Verma, learned counsel appearing on behalf of the Bihar State Transport.

Learned counsel for the parties are agree that similar matter was examined and disposed of by a coordinate bench of this court in C.W.J.C. No. 16033 of 2016 vide order dated 8.1.2018.

In order to maintain consistency, the present writ application is disposed of in similar terms of C.W.J.C. No. 16033 of 2016 vide order dated 8.1.2018. The respondents are directed to refund the amount with interest within a period of three months from the date of receipt/production of a copy of this order.

Financial constraint will not be a ground to refuse refund of the aforesaid amount with statutory interest. In the event of non-payment to the petitioners, the concerned respondents shall not draw salary until the payment of the entire dues of the petitioners.”

In the peculiar facts and circumstances of this case, finding the amount not to be paid to the rightful claimants



within reasonable time, in fact more than one decade, we see no reason to interfere with the impugned order, clarifying that the same shall not be treated as a binding precedent and the direction contained therein would be applicable and confined only to the writ petitioner, parties to the present appeal.

The appeal stands dismissed.

Interlocutory Application, if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/- Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

