IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24271 of 2019

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Nilam Devi, Wife of Ganesh Thakur (Retired Traffic Clerk) resident of Ward No. 1, Village-Kariyan, Post-Kariyan, Police Station-Khanpur, District-Samastipur.

... ... Petitioner/s

Versus

1. The Union of India through the under secretary, ministry of Labour and Employment, Government of India Shram Shakti Bhawan Rafi Marg, New Delhi.
2. The Secretary, Ministry of Labour and Employment, Government of India Shram Shakti Bhawan Rafi Marg, New Delhi.
3. The Central Provident Fund Commissioner Employee Provident Fund Organization Head Office Bhavishya Nidhi Bhawan 14, Bhikaji Cama Place, New Delhi.
4. The State of Bihar the Principal Secretary, Transport Department Government of Bihar, Vishwesaraiya Bhawan, Bailey Road, Patna.
5. The Secretary, Transport Department Government of Bihar, Vishwesaraiya Bhawan, Bailey Road, Patna.
6. The Bihar State Road Transport Corporation through its Administrator Birchand Patel Marg, Patna (Bihar).
7. The Administrator, Bihar State Road Transport Corporation, Birchand Patel Margh, Patna.
8. The Chief Account Officer, Bihar State Road Transport Corporation, Birchand Patel Marg, Patna.
9. The Accountants General (Accounts and Entitlement) Mahalekhar Bhawan Birchand Patel Marg, R. Block, Patna.
10. The Deputy Accounts General (Accounts and VLC), Mahalekhar Bhawan Birchand Patel Marg, R. Block, Patna.
11. The Director, Employees Provident Fund Organization, Bhavishyanidhi Bhawan, R. Block, Road No. 06, Serpantine Road, Near M.L.A. Flats, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No 13, Advocate
For the Respondent/s	:	Mr.Anil Kumar Singh, GP-26

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

6 04-02-2021 Heard the parties.

In the present writ application, the following relief has been sought for on behalf of the petitioner :

> 1(I) For issuance of direction(s), order(s), or writ(s) in the nature of a Mandamus commanding the respondent authorities to pay all the retirement benefits including the family pension, exgratia, and arrear salaries including benefits of first time bound promotion, Second time bound promotion, benefits of fifth pay commission benefits of sixth pay commission and other retiral due to the petitioner forthwith along with the interest of the rate of 12% per annum and the arrears there of as her husband late Ganesh Thakur was employee as traffic clerk in Bihar State Road Transport Corporation who has superannuation on 30.06.2011 by letter No.116 corresponding Memo No.873 dated 04.06.2011 under signature of Divisional Manager Darbhanga. And after superannuation on 24.08.2018 he died at his home. Whereby where under petitiner is bonafide entitlement of family pension and gratuity as provided as per norms of Bihar Pension Rules 1950 as well as Constitution of India. However petitioner (Husband of petitioner) has received the encashment of earned leaves, contributory provident fund, and gratuity.

A supplementary affidavit has been filed on behalf of the Respondents No.6, 7 and 8. The following statements have been made in paragraph Nos.6 and 7 of the supplementary affidavit, which are as follows :

> "6. That the amount of retiral benefits such as encashment of earned leaves, contributory provident fund, gratuity and arrear of salary has been paid to the petitioner.
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> 7. That it is relevant to mention here that the petitioner is not entitled to get family pension, inasmuch as it is not applicable in Bihar State Transport Corporation. It is very humbly submitted in the context that prior to 01.08.1998 under the Employees Family Pension Scheme, 1971 the employee contribution were deposited in the office of the Regional Provident Fund Commissioner, Bihar but the Establishment of Bihar State Road Transport Corporation was excluded from the scheme from 01.08.1988 as informed vide letter no.669 dated 18.09.1992 of the Assistant Provident Fund Commissioner, Bihar, Patna. Hence, the amount of employee contribution under EFPS, 1971 has not been deposited after 01.08.1998 in the office of Regional Provident Fund Commissioner, Bihar. The amount deducted under the EFPS, 1971 has to be refunded to the petitioner but the petitioner has not submitted 10c form before the authority concerned."

Considering the statements made in the aforesaid paragraphs, the relief of the petitioner has been redressed. If any further relief is to be redressed, the petitioner shall be at liberty to approach before the competent authority and make a representation, who shall consider the representation of the petitioner and pass an appropriate order in accordance with law within a period of four months from the date of filing of such representation.

With the aforesaid observation and direction, the present writ application stands disposed of.

(Sudhir Singh, J)

Narendra/-

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