

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7474 of 2018

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Jai Nath Tiwari Son of Shri Ganesh Tiwari, Resident of Mohalla-Shivpuri,
Road no.1 Near H.R.D.T. School, P.S.-Shastrinagar, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Urban Development and Housing Department,
Government of Bihar, New Secreta
3. The Joint Secretary, Urban Development and Housing Department,
Government of Bihar, New Secretariat
4. The Deputy Secretary, Urban Development and Housing Department,
Government of Bihar, New Secretaria
5. The Regional Provident Fund Commissioner, Employees Provident Fund
Organization, R Block, Road No.6
6. The Bihar State Co-Operative Marketing Union Ltd. Biscomaun, through its
Managing Director, na-800
7. The Bihar State Co-Operative Marketing Union Ltd. Biscomaun, West
Gandhi Maidan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Jha, Advocate.
For the Respondent/s Nos.5	:	Mr. Jitendra Kumar Rai, Advocate.
For the Respondent Nos.6 and 7	:	Mr. Rakesh Kumar Jha,
For the State	:	Mr. Ac to Ga3

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 02-11-2022

Heard Mr. Manish Jha, learned counsel for the
petitioner, Mr. Jitendra Kumar Rai learned counsel for the
respondent No.5 and Mr. Rakesh Kumar Jha, learned counsel for
the respondent Nos. 6 and 7 as well as learned AC to GA3 for the
State.

The present application has been filed seeking direction
upon the respondent to pay the petitioner's amount deposited in



Employees Provident Fund along with Employee's contribution and interest thereupon.

Without referring to the other averments made in the various counter affidavit, learned counsel for the petitioner drawn the attention of this court towards the order dated 08.07.2019, passed in CWJC No. 1837 of 2018, wherein the learned Co-Ordinate Bench of this Court, considering the identical matter, has been pleased to direct the BISCOMAUN and the Employees Provident Fund Organization to make necessary payment proportionate to the amount deposited by the BISCOMAUN in terms of the order passed in CWJC No. 12393 of 2019. The petitioner fairly submits that the petitioner would be satisfied if the application of the petitioner would be disposed of in terms of the order dated 08.07.2019, passed in CWJC No. 1837 of 2018.

On the other hand, learned counsel for the Employees Provident Fund submits that against the order dated 08.07.2019, passed in CWJC No. 12393 of 2019, the Employees Provident Fund Organization has preferred Letter Patent Appeal bearing LPA No. 996 of 2019, the same is pending for consideration before the learned Division Bench of this Court, hence, any order passed in favour of the petitioner for payment of proportionate amount



deposited by the BISCOMAUN, shall be abide by the order of the learned Division Bench.

In view of the aforesaid submissions, this court thinks it apt and proper to dispose of the matter in terms of the order dated 08.07.2019 passed in CWJC No. 1837 of 2018 as well as order passed in CWJC No. 12393 of 2019. It is further directed that if any representations along with present order would be filed before the Regional Provident Fund Commissioner, Employees Provident Fund Organization, the same would be disposed of in terms of the aforesaid order and necessary payment shall be made within a period of one months from the date of receipt/production of a copy of this order along with representations.

Accordingly, the present writ application stands disposed of.

(Harish Kumar, J)

manoj/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.11.2022
Transmission Date	NA

