IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16884 of 2019

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Raghunandan Prasad Son of Late Kashi Nath, Resident of House No. 48, Magistrate Colony, Police Station Rajiv Nagar, District Patna.

... ... Petitioner/s

Versus

1. The State of Bihar.
2. The Finance Commissioner, Government of Bihar, Patna.
3. The Director, Provident Fund, Department of Finance, Government of Bihar, Pant Bhavan, Bailey Road, Patna.
4. The Treasury Officer, Gaya.
5. The Accountant General, Bihar, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate
For the Respondent/s	:	Mr. Sushil Kumar Singh (AC to AAG 13)
For the AG	:	Mr. Dr. Anand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 21-12-2022

Heard Mr. Dinu Kumar, learned counsel appearing on behalf of the petitioner, Mr. Dr. Anand Kumar, learned counsel for the Accountant General and Mr. Sushil Kumar Singh, learned AC to AAG 13.

2. The grievance of the petitioner is only with regard to the payment of an amount of Rs. 50097.55/- which is said to have been deducted and sent to the Provident Fund Office, but the same has not been paid to him. It is submitted that the deduction was made in between May, 1977 to July, 1981 however, despite, sincere efforts made by the petitioner, till date the same has not been bestowed upon him.

3. Learned counsel for the petitioner fairly submits that earlier the petitioner had approached before this Court by filing CWJC No. 3976 of 2009 which was dismissed on 18.01.2012. Thereupon, a Letters Patent Appeal bearing LPA No. 1283 of 2012 has been preferred, which was also disposed off with a direction to the State Provident Fund Commissioner to make a detailed enquiry in the matter, examine the books of account and other documents as well as the documents that may be made available by the writ petitioner and then pass an appropriate order in accordance with law.

4. He further submits that in compliance of the order passed by the Division Bench, the impugned order came to be passed as contained in Annexures 10 and 13 to the writ application.

5. Pursuant to the direction of this Court dated 01.07.2020 and further on 09.11.2022, a supplementary counter affidavit has been filed on behalf of the respondent no. 4, negating the claim of the petitioner. The photocopy of the Gazetted Officer Book/Register for the period of 1977-1978 to 1981-1982 has been brought on record and submissions has been made that during the period of May, 1977 to July, 1981 the petitioner had withdrawn the following amount, on account of salary or arrears of salary and it

has been asserted that the Auditor in its Audit Report 89/2012-13 clearly mentioned that “No amount deposited in GPF. The said amount is already drawn”. It has also been submitted that no interpolation has been made by the Treasury Officer Gaya in G.O. register as Audit Report para 3 page 4 indicates that the arrears bill calculation for the period of May, 1977 to July, 1981. Appendix IV clearly substantiate that total admissible amount of this bill is Rs. 53,962.45/- and already drawn amount is Rs. 50,097.65/- and, as such, only Rs. 3,864.80/- was payable to him, in which amounting to Rs. 564.00/- has been deposited to GPF Account and Rs.3,300.80/- has already been paid to the petitioner.

6. A reply to the supplementary counter affidavit has been filed and heavy reliance has been made on Annexure 1, which appears to be at variance with the statement of GPF for the year 1981-1982 issued by the Treasury Officer, brought by the respondent authorities by way of filing supplementary counter affidavit.

7. This Court having gone through the materials and the pleadings available on record, prima facie, come to the conclusion that there is a disputed question of facts and this Court is unable to adjudicate the issue under writ jurisdiction, as has been claimed by the learned counsel for the petitioner.

8. Considering the fact that earlier also, the Division Bench was at its firm view that this is a disputed question of facts and, as such, the matter has been remitted to the State Provident Fund Commissioner to make a detail enquiry and pass an appropriate order, in accordance with law.

9. Agitating, the similar issue before this Court would not change the factual position. Considering the aforesaid disputed question of facts, the present writ petition stands dismissed, however, the petitioner is at liberty to avail any other alternative remedy, available under the law.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.12.2022.
Transmission Date	NA