

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12294 of 2019

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Sarwari Bano W/o Late Raqib Khan, Resident of Mohalla and P.S.-
Habilapur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Bihar, Patna.
2. The Divisional commissioner, Bhagalpur Division, Bhagalpur.
3. The District Provident Fund, Bihar, Patna.
4. The District Magistrate, Bhagalpur.
5. The District Provident Fund Officer, Bhagalpur.
6. The District Welfare Officer, Bhagalpur.
7. The Sub Divisional Officer, Naugachhia.
8. The Sub Divisional Officer, Kishanganj.
9. The Block Development Officer, Bahadurganj, Purnea.
10. The District Welfare Officer, Purnea.
11. The Sub Divisional Officer, Banka.
12. The Block Development Officer, Sikati, Purnea.
13. The Block Development Officer, Dinara, District- Rohtas.
14. The Director, Welfare Department, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate
For the Respondent/s : Mr. Krishna Kant Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

11 11-12-2023 Heard Mr. Raj Kumar, learned counsel appearing on

behalf of the petitioner and Mr. Krishna Kant Singh, learned

counsel representing the State.

2. The petitioner is a hapless widow of late Rakib Khan, who superannuated on 13.06.1998 from the post of Sub-Divisional Welfare Officer, Bhagalpur and died on 27.05.2011, has filed the writ petition seeking a direction upon the respondent to ensure the payment of remaining provident fund amount of her husband alongwith the statutory and penal



interest.

3. It is fairly submitted on behalf of the petitioner that admittedly during the pendency of the writ petition, certain substantive due amount of the provident fund has been accorded to the petitioner, barring the period from 16.01.1961 to 31.12.1961 and further from 22.02.1967 to 13.06.1967, while the husband of the petitioner was posted at Block Office Dinara, Rohtas and Block Office, Kursakanta, Araria respectively.

4. In response to the submissions made on behalf of the petitioner, the second supplementary counter affidavit has been filed on behalf of respondent no. 6. Referring to the averments made therein, learned counsel for the State submitted that the District Welfare Officer, Bhojpur, Ara, vide his letter no. 142 dated 08.02.2021 has informed that during the period from 16.01.1961 to 31.12.1961 the G.P.F. account of the husband of the petitioner was not opened and thus, in any view of the matter, the erstwhile employee would not be entitled for the G.P.F. amount of such period.

5. He next submits that the Block Development Officer, Kursakanta, Araria vide his letter no. 143 dated 16.03.2021 has reported that there is no document/evidence available in the office showing deduction of G.P.F. amount from



the salary of the husband of the petitioner and, as such, he is unable to sent the deduction of G.P.F. amount.

6. Considering the averments made in the counter affidavit and taking note of the fact that the husband of the petitioner superannuated way back in the year 1998 and subsequently died on 27.05.2011 however, the present writ petition has been filed after more than twenty years of his retirement, thus, this Court is constrained to pass any positive order.

7. It is needless to observe that in case any evidence and/or any documents showing the deduction from the salary of the husband of the petitioner is available, she is at liberty to file a fresh representation, bringing on record such documents/evidence.

8. In case such a representation is filed the respondent authority shall consider and pass appropriate order ensuring the payment thereof.

9. This disposes the writ petition.

(Harish Kumar, J)

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