

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11366 of 2023

=====

Sudhir Kumar Son of Late Rajendra Prasad, Resident of Village and P.O.-
Mugal Kuan, Etwari Bazar, P.S. - Etwari Baar, District - Nalanda, presently
working as clerk in the office of the Executive Engineer, Road Construction
Department, Road Division, Biharsharif, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Road Construction Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department, Govt. of Bihar, Patna.
3. The Additional Chief Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Chief Engineer (South), Road Construction Department, Govt. of Bihar, Patna.
5. The Superintending Engineer, Central Circle, Road Construction Department, Patna.
6. The District Magistrate, Nalanda.
7. The Executive Engineer, Road Construction Department, Road Division, Biharsharif, District - Nalanda.
8. The Assistant Director, Provident Fund Directorate, Pant Bhawan, Bihar, Patna.
9. The Principal Accountant General (A and E), Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar, Advocate
For the State	:	Mr. Uday Bhan Singh, AC to GP-19
For the A.G.	:	Mr. Arun Kumar Arun, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 18-09-2023



Heard Mr. Shailendra Kumar, learned counsel appearing on behalf of the petitioner; Mr. Uday Bhan Singh, learned AC to GP-19 appearing on behalf of the State and Mr. Arun Kumar Arun, learned counsel for the Accountant General, Bihar.

2. Learned counsel appearing on behalf of the petitioner submitted that mother of the petitioner was appointed on the post of Road Labourer and while she was posted on the post of peon, she was died in harness on 08.01.2020. Learned counsel further submitted that petitioner being only son is entitled for death cum retiral benefits on account of death of his mother in accordance with law. In these background, learned counsel seeks to file detailed representation before the Chief Engineer (South), Road Construction Department, Government of Bihar, Patna-respondent no. 4. Petitioner had submitted certificate issued by the Circle Officer, Bihar Sharif, that he has one son and three sisters and all the sisters are married.

3. Considering the specific submission made on behalf of the petitioner, the respondent no. 4 is directed to dispose of the representation filed by the petitioner, who has claimed his entitlement to receive death cum retiral benefits due to the deceased employee within a period of six weeks in



accordance with law.

4. The respondent no. 4 may also consider to seek 'No Objection' from the sisters of the petitioner in the circumstances that the petitioner is nominee of the deceased employee as it would appear from 'Annexure-5'.

5. The District Provident Fund Officer is directed to call for the deduction statement made by the deceased employee, namely, Late Saraswati Devi from the places of service of the deceased employee and ensure to make payment of entire provident fund due to the deceased employee within a period of four weeks from the date of communication of this order.

6. The District Provident Fund Officer has filed counter affidavit in a very casual manner with respect to the details relating to the period 2012-13 and the communication made vide Letter No. 105 dated 04.12.2021 amounting to Rs. 3,08,887/- being no further steps have been taken to make payment of remaining dues on account of provident fund with respect to the earlier period and the period beyond the said financial year. Such casual steps is deprecated and he must forthwith take serious steps to make payment of entire amount within the aforesaid period.



7. In case, this order is not carried on in the manner as directed by this Court, the petitioner is at liberty to take appropriate legal action against them.

8. With above observations and directions, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	19.09.2023
Transmission Date	N/A

