IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11515 of 2023

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1. Braj Bhushan Mishra Son of Late Shyam Nandan Mishra, Retired as Keyman-cum- Chaukidar, PHED Division Arwal, P.S. and District-Arwal.
2. Lal Bihari Yadav Son of Late Chintaman Yadav, Retired as Keyman-cum-Chaukidar, PHED Division, Arwal, P.S. and District-Arwal.

... ... Petitioner/s

Versus

1. The State of Bihar Through the Chief Engineer, PHED, Government of Bihar, Patna.
2. The Chief Engineer, PHED, Government of Bihar, Patna.
3. The Executive Engineer, PHED, Jehanabad Division, Jehanabad, District-Jehanabad.
4. The Executive Engineer, PHED Arwal, Division Arwal, District-Arwal.
5. The District Provident Fund Officer, Jehanabad.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amaresh Kumar Singh

For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 18-09-2023

Heard Mr. Amresh Kumar Singh, learned counsel appearing on behalf of the petitioners and Mr. Arvind Ujjwal, learned SC-4 along with Mr. Maruth Nath Roy, learned AC to SC-4 appearing on behalf of the State.

2. The District Provident Fund Officer, Jehanabad is directed to call for the deduction statement from the year 1981 to 2002, during which period the petitioners were

posted under Work Charge Establishment of PHED, Jehanabad and were subsequently regularized in the year 2006. An admission has been made vide order dated 06.11.2012, as contained in Annexure-3, by Executive Engineer PHED, Jehanabad that GPF was deducted from salary of the petitioners to the tune of Rs. 64,629/- and Rs. 41,010/- respectively from the salary of the petitioners during the work charge establishment period. The Memo No. 10710 dated 17.10.2013, of Finance Department, Government of Bihar in Paragraph No. 5(i) provides that GPF deducted during work charge establishment from salary of regularized employees shall be transferred to GPF account after calculating interest (Annexure P-4). The definition of work-charged establishment has been given by the Hon'ble Apex Court in the case of ***Jaswant Singh v. Union of India***, **(1979) 4 SCC 440** in paragraph no. 42 which is reproduced hereinunder:-

> ***"42.*** *A work-charged establishment broadly means an establishment of which the expenses, including the wages and allowances of the staff, are chargeable to "works". The pay and allowances of employees who are borne on a work-charged establishment*

are generally shown as a separate sub-head of the estimated cost of the works."

3. Considering the aforesaid submission as well as the resolution contained in Memo No. 10710 dated 17.10.2013, and from perusal of Paragraph No. 5(i), it appears that petitioners are entitled for entire amount of deductions which were made during the period they were under work charge establishment with up to date interest.

4. The District Provident Fund Officer, under the circumstances, must not further harass the petitioners, rather he must ensure to call for the deduction statements either on his own or by deputing a responsible officer under his jurisdiction, to obtain all the deduction statements and make payment of dues with respect to the period as claimed by the petitioners, within a period of four weeks from the date of communication of this order along with statutory interest. In case of failure, the petitioner may take appropriate legal action against the District Provident Fund Officer, Jehanabad. This Court will consider to impose heavy cost for the delay caused in making the payment and further harassing the petitioners.

5. With the above observations and directions, the present writ petition stands disposed of.

(Purnendu Singh, J)

minu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.09.2023
Transmission Date	