IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17779 of 2022

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Bipin Kishore

... ... Petitioner/s

Versus

The through of the Chairman State Bank of India & Ors.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
For the Respondent/s : Mr. Kaushalesh Chaudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

7 11-12-2023

Heard Mr. Surendra Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Kaushalesh Chaudhary, learned counsel for the State Bank of India.

2. The petitioner by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India has filed the present writ petition, seeking a direction upon the respondents to pay the rest of the provident fund amount to the tune of Rs. 4,45,510/- in terms of Form COS – 446, which was issued by the Assistant General Manager, PPJ department prior to six month of his superannuation.

3. It is submitted on behalf of the petitioner that in complete defiance to the Form COS – 446, the petitioner has been paid only an amount of Rs. 26,72,554/-, albeit, Form Cos-446 issued by the State Bank of India clearly demonstrate the entitlement of the petitioner to the tune of Rs. 31,18,064/- under

the due Provident Fund.

4. He further submits that despite the order of this Court dated 08.09.2023, the respondent State Bank of India failed to bring on record the deduction statement of provident fund from all the places, where the petitioner has rendered his services, a counter affidavit has been filed and submitted that the petitioner has been paid his rightful due amount to the tune of Rs. 26,72,554/-.

5. Mr. Chaudhury, learned counsel for the State Bank of India submitted across the Board that admittedly the COS – 446 was generated in the month of September, 2015 and taking note of a sum of Rs. 60,015/- credited in the month of July, 2015 a projected report has been furnished that the petitioner would be entitled for an amount of Rs. 31.18,064/- after his superannuation.

6. While clarifying the aforesaid position, he makes it clear that in actual a sum of Rs. 13,36,679/- towards members contribution and Rs. 13,35,875/- towards bank contribution has been paid in the provident fund account of the petitioner and accordingly Rs. 26,72,554/- has been paid to the petitioner.

7. He drew the attention of this Court to the representation filed by the petitioner wherein the aforesaid fact

has been admitted that according to H.R.M.S., the members contribution was only Rs. 13,36,679/-.

8. He submitted that since the higher projected provisional balance was on account of the fact that the petitioner has received an additional arrear of Rs. 60,015/- each towards banks contribution and members contribution in the month of July, 2015 at the time of application of the refund of the provident fund on 22.09.2015. The system calculated the projected provident fund balance as on the date of retirement on the basis of last six months contribution and the same projected amount reflected in COS – 446. He further clarified that the reason for inflated system generated projection at the time of application of 22.09.2015 was due to one time contribution of Rs. 60,015/- provident fund on arrear payment (as per 10th bipartite settlement). The month of July, 2015 was projected as monthly provident fund contribution for upcoming month till the retirement of the petitioner in December, 2015.

9. He next submitted that there is no balance at the credit of the petitioner to the fund remaining to be paid as alleged or otherwise. The amount reflected in COS – 446 at the time of application on 22.09.2015 was only a projected balance and not the actual balance standing at the credit of the petitioner.

10. Considering the submissions made on behalf of the parties and taking note of the fact that the petitioner actual contribution under the provident fund account was only Rs. 13,36,679/- and accordingly the banks contribution was also made to the tune of Rs. 13,35,875/- and both the amounts calculated to Rs. 26,72,554/- has been paid to the petitioner. Claim of the petitioner based on any projected report/calculation is wholly misconceived as it cannot confer any legal entitlement.

11. This Court doesn't find any error in the action of the State Bank of India in ensuring the payment of admissible G.P.F. amount.

12. Accordingly the present writ petition stands dismissed.

(Harish Kumar, J)

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