**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Civil Writ Jurisdiction Case No.5349 of 2021**

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Nasra Parween, Wife of Late Syed Hassan @ Md. Syed Hassan, resident of Mohalla- Bait-ul-Faizan, Kaghaiya Tola, Post-Jhauganj, Kanungo, P.S.-Patna City, District and Town-Patna.

... ... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Human Resources Development, Government of Bihar, New Secretariat, Bihar, Patna.
3. The Director (Secondary Education), Department of Human Resources Development (Education Department), Government of Bihar, New Secretariat, Bihar, Patna.
4. The Regional Deputy Director of Education, Patna Division, Patna.
5. The District Education Officer, Patna, District-Patna.
6. The District Education Officer, Jehanabad, District-Jehanabad.
7. The District Programme Officer (Estt.), Patna, District-Patna.
8. The District Programme Officer (Estt.), Jehanabad,, District-Jehanabad.
9. The Head Master, High School, Tehta, District-Jehanabad.
10. The Head Master, Syed Nehal Ahsan Urdu Middle School, Barh, District-Patna.
11. The Treasury Officer, Patna, District-Patna.
12. The Treasury Officer, Jehanabad, District-Jehanabad.
13. The Director Provident Fund, Provident Fund Directorate, Pant Bhawan, Bailey Road, Patna.
14. The District General Provident Fund Officer, Patna, District-Patna.
15. The District General Provident Fund Officer, Jehanabad, District-Jehanabad.
16. The Accountant General (A and E), Bihar, Patna.

... ... Respondents

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**Appearance :**

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| For the Petitioner | : | Mr. Nityanand Mishra, Advocate<br>Mr. Alok Abhinav, Advocate |
| For the State | : | Mr. Madhukar Mishra, AC to SC-16 |

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**CORAM: HONOURABLE MR. JUSTICE NANI TAGIA**
**ORAL JUDGMENT**
**Date : 01-05-2024**

This writ petition has been filed by the petitioner seeking a direction to the respondents to make payment of full and final G.P.F. amount for the period 17.12.1976 to 07.08.1986 of her late husband Syed Hassan @ Md. Syed Hassan, who had retired from service on 31.10.2007 while working as Assistant Teacher from High School, Tehta, District Jehanabad and subsequently died on 29.04.2010.

2. The petitioner in support of her case has pleaded in paragraph Nos.9, 10 and 11 of the writ petition as follows, which are extracted hereinbelow :

> “9. That thereafter, upon the representation filed by the husband of the petitioner as contained in Annexure-3 to this writ application, the respondent concerned had taken no action, then the petitioner filed an application on 20.11.2019 through Speed-Post before the Director (Secondary Education), Education Department, Patna (respondent no.3) and copies sent to the District Education Officer, Patna, District – Patna (respondent no.5) and the Accountant General (A&E), Bihar, Patna (respondent no.16) for making payment of G.P.F. amount as well as pension and retirement benefits of the period from 17.12.1976 to 07.08.1986 (for service period of the husband of the petitioner as he was posted as Assistant Teacher in Urdu Middle School, Barh, District – Patna), but nothing has been paid to the petitioner in this regard.
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> 10. That thereafter the District Programme Officer (Estt.), Patna (respondent no.7) sent a letter vide

Memo No.154 dated 7.1.2020 to the District Education Officer, Jehanabad (respondent no.6) for making payment of G.P.F. amount of the period from 17.12.1976 to 07.08.1986 (for service period of the husband of the petitioner as he was posted as Assistant Teacher in Urdu Middle School, Barh, District – Patna).

11. That it is painful to submit here that after issuance of the letter vide Memo No.154 dated 7.1.2020 as contained in Annexure-5 to this writ application, the respondents concerned have not paying their heed towards the payment of the G.P.F. amount as well as pension and retirement benefits of the period from 17.12.1976 to 07.08.1986 (for service period of the husband of the petitioner as he was posted as Assistant Teacher in Urdu Middle School, Barh, District-Patna) and as a result the said dues amounts have not been paid to the petitioner till date.”

3. Counter affidavits by the Respondent No.7, Respondent Nos.6 & 8 and Respondent Nos.13, 14 and 15 have been filed. Though counter affidavits by the several respondents have been filed, the authorities competent to answer and pay the G.P.F. amount to the petitioner are the Respondent Nos.13, 14 and 15.

4. In paragraph Nos.7, 8, 9, 10, 11, 12, 13 and 14 of the counter affidavit filed by the Respondent Nos.13, 14 and 15, it has been stated as under :

> “7. That the brief fact of the case is that the deceased husband of the petitioner was initially appointed as Assistant Teacher on 17.12.1976 in Syed Nehal Alum Urdu Middle School, Barh, Patna and retired from service on 31.10.2007.
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> 8. That at the outset it is very humbly submitted that soon after receipt of the Final Withdrawal Application Form (BTC Form- 56) of the deceased husband of the petitioner vide letter no. 2365 dated 05.11.2007 the District Provident Fund Officer, Jehanabad made calculation of the GPF amount of the deceased husband of the petitioner and authorised the same vide authority letter bearing no. 246 dated 19.12.2017 amounting to Rs.3,08,958/- (Rupees Three Lac Eight Thousand Nine Hundred Fifty Eighty Only) without taking into account the amount of Balance Transfer (B.T.) alongwith prescribed interest thereon and the same has already been dispatched to the concerned authority for making payment of the authorised amount.
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> 9. That considering the grievance of the petitioner the District Provident Fund Officer, Jehanabad vide letter no. 200 dated 03.04.2023 and a reminder thereof vide letter no. 256 dated 20.04.2023 made request to the District

Programme Officer, Establishment, Patna and the District Programme Officer, Establishment, Jehanabad to make available the Balance Transfer (B.T.) up to financial year 1985-86 of the GPF account of the petitioner.

10. That in response to the aforesaid letter, the District Programme Officer, Establishment, Patna, vide letter no. 4116 dated 21.04.2023 informed the present respondent that the register of the said period was sent to the District Programme Officer, Establishment, Jehanabad.

11. That pursuant to the aforesaid letter the District Provident Fund Officer, Jehanabad vide letter no. 263 dated 28.04.2023 made request to the District Programme Officer, Establishment, Jehanabad to make available the Balance Transfer (B.T.) of the GPF account of the petitioner so that further process may be initiated.

12. That after repeated reminder made by the present respondent for making available the Balance Transfer (B.T.) of the GPF account of the petitioner, the District Programme Officer, Establishment, Patna vide hitter no. (t327 dated 15.07.2023 provided the Balance Transfer (B.T.) for Rs.9,658/- pertaining to the period till financial year 1905-06 and made request to make payment of the amount of Balance Transfer (B.T.) to the petitioner.

13. That on the basis of the aforesaid Balance Transfer (B.T.), the District Provident Fund

> Officer, Jehanabad made re-calculation of the GPF amount of the deceased husband of the petitioner and authorized the same aide authority letter bearing no.200/FP/200 dated 28.07.2023 amounting to Rs.80,680/- (Rupees Eighty Thousand Six Hundred Eighty Only) with upto date interest thereon and the same has already been dispatched to the concerned authority for making payment of the authorized amount.
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> 14. That in the fact and circumstances stated hereinabove, it is very humbly submitted that the petitioner has already been authorized his full and final GPF amount on the basis of the available deduction statement."

5. From the pleadings made in the writ petition, it appears that the petitioner is praying for payment of G.P.F. amount of her late husband for the period 17.12.1976 to 07.08.1986, during which period the petitioner's late husband was posted as Assistant Teacher in Urdu Middle School, Barh, District Patna. Though the Respondent Nos.13, 14 and 15 in the counter affidavit filed, as extracted hereinabove, appears to be stating that Rs.3,08,958/- was initially paid to the petitioner being the G.P.F. amount of her late husband on 19.12.2017 excluding the amount of balance transfer and thereafter on 15.07.2023, balance transfer for Rs.9,658/- and on 28.07.2023 Rs.80,680/- was paid to the

petitioner being the balance transfer of G.P.F. amount of her late husband, but it does not indicate that the G.P.F. amount of the petitioner's late husband for the period 17.12.1976 to 07.08.1986 has been paid.

6. On a pointed query made to the learned counsel Mr. Madhukar Mishra, AC to SC-16, representing the Respondent Nos.13, 14 and 15 whether the latter amount of Rs.9,658/- and Rs.80,680/- respectively paid to the petitioner includes the G.P.F. amount of petitioner's late husband for the period 17.12.1976 to 07.08.1986, the learned counsel representing the Respondent Nos.13, 14 and 15 is unable to answer the same from the affidavits filed on record.

7. Since the counter affidavit filed by the Respondent Nos.13, 14 and 15 does not answer the specific contention raised by the petitioner in paragraph Nos.9, 10 and 11 of the writ petition to the effect that the G.P.F. amount of her late husband for the period 17.12.1976 to 07.08.1986 has not been paid, it may be assumed that the respondents have not paid the petitioner the G.P.F. amount of her late husband for the period 17.12.1976 to 07.08.1986 during which period the petitioner's late husband was serving as Assistant Teacher in Urdu Middle School, Barh, District Patna.

8. Under the circumstances, this writ petition stands disposed of with a direction to the respondents, more particularly the Respondent Nos.13, 14 and 15, to pay to the petitioner the G.P.F. amount of her late husband for the period 17.12.1976 to 07.08.1986 along with the statutory interest on the amount till the actual payment is made, within four weeks from today.

9. The writ petition is disposed of with the above directions.

**(Nani Tagia, J)**

Narendra/-

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| **AFR/NAFR** | NAFR |
| **CAV DATE** | N.A. |
| **Uploading Date** | 01.05.2024 |
| **Transmission Date** | N.A. |