IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3582 of 2022

Sunil Kumar, aged about 66 years (male), son of late Deo Kumar Prasad Sinha, Resident of Rental Flat No. 220, Kankarbagh Colony, P.S.- Kankarbagh, District- Patna

... ... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar
2. The Principal Secretary, Department of Finance, Bihar, Patna.
3. The Director, Provident Fund, Pant Bhawan, Bihar, Patna
4. The Deputy Director, Provident Fund, Pant Bhawan, Bihar, Patna
5. The Secretary, Rural Works Department, Bihar, Patna
6. The Additional Secretary, Rural Works Department, Bihar, Patna
7. The Superintending Engineer, Works Circle, Rural Works Department, Bihar, Purnea.
8. The Managing Director, Bihar Police Building Construction Corporation, Kautilya Nagar, Patna- 14
9. The Managing Director, Bihar Tourism Development Corporation, Kautilya Bhawan, Veer Chand Patel Path, Patna- 1

... ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prabhu Nath Pathak, Advocate
For the State	:	Mr. Ajay, GA-5 Mr. Saurav Kumar, Advocate
For the Resp. No.8	:	Mr. Kamal Kant Upadhyay, Advocate

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA

ORAL JUDGMENT

Date : 25-04-2024

Heard Mr. Prabhu Nath Pathak, learned counsel appearing on behalf of the petitioner; Mr. Saurav Kumar, learned counsel appearing on behalf of the respondent nos. 3 to 7 and Mr. Kamal Kant Upadhyay appearing on behalf of the respondent no.8. However, none appears on behalf of the respondent nos. 1, 2 and 9.

2. The petitioner, who retired on 31.01.2016 on attaining the age of superannuation from the post of Assistant Engineer from Rural Works Department, has filed this writ petition seeking a direction to the respondents to pay the Provident Fund amount with statutory interest till the actual payment is made.

3. Respondent nos. 3, 4 and 9 have filed counter affidavit.

4. Respondent nos. 3 and 4 are the authorities to make payment of the Provident Fund.

5. In paragraph nos. 5, 6, 7, 8, 9 and 10 of the counter affidavit, the respondent nos. 3 and 4 have stated as under:

> *"5. That at the outset it is very humbly submitted that the Parent department of the petitioner has not made available the requisite documents for withdrawal of GPF amount of the petitioner such as Final Withdrawal Application Form (BTC-56), deduction statement from beginning of service and the advance certificate due to which the authorization of GPF amount of the petitioner is pending.*
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> *6. That is further submitted that Final Withdrawal Application Form (BTC-56) accompanied by deduction statement is mandatory required for making payment of GPF amount as per Rule-32(3) of the Bihar*

General Provident Fund Rule, 1948. The application is prescribed Performa is called BTC-56 as per the Bihar Treasury Code. Apart from the Final Withdrawal Application Form, deduction statement is also required for calculation of accumulated GPF amount.

7. That soon after receipt of the present petitioner, the present respondent vide his letter No.- 340, dated 05.05.2022, letter No. 339, dated 05.05.2022, letter No. 337, dated 05.05.2022, letter NO.- 359, dated 13.05.2022, letter No. 389, dated 26.05.2022, Memo No.- 2058, dated 30.05.2022 and letter No.- 418, dated 04.06.2022 has made request to the concerned authorities to make available the Final Application Form (BTC-56) and verified and countersigned deduction statements of GPF account of the petitioner from the beginning of the service till last contribution along with advance certificate, so that the GPF amount of the petitioner may be authorized at the earliest.

8. That aforesaid requisitioned documents have not been made available to the office of the present respondent till now.

9. That in the facts and circumstances stated hereinabove, the present respondent very humbly submits that due to non-availability of the Final Withdrawal Application From (BTC-56) and other requisitioned documents/ deduction statements required to be provide by the Parent Department of the petitioner, the present respondent is not able to calculated the authorize the GPF amount of the petitioner.

10. That as soon as the requisitioned documents are made available *to the office of the present respondent, the accumulated GPF amount of the petitioner shall be authorized at the earliest."*

7. From perusal of the counter affidavit filed by the respondent nos. 3 and 4, as quoted hereinabove, it appears that the GPF amount of the petitioner has not yet been released due to the parent department of the petitioner namely, Rural Works Department, Bihar, Patna not making available the requisite documents for withdrawal of GPF amount, such as, Final Withdrawal Application Form (BTC-56), deduction statement from the beginning of service and the advance certificate. The Final Withdrawal Application Form (BTC-56) accompanied by a deduction statement is stated to be a mandatory requirement for making payment of GPF amount as per Rule 32(3) of the Bihar General Provident Fund Rule, 1948. It further appears from the counter affidavit filed by respondent nos. 3 and 4 that respondent nos. 3 and 4 have made various communication to the concerned authority namely, the respondent nos. 5 and 6 vide letter No.- 340, dated 05.05.2022, letter No.- 339, dated 05.05.2022, letter No. 337, dated 05.05.2022,

letter No. 359, dated 13.05.2022, letter NO. - 389, dated 26.05.2022, Memo No. 2058, dated 30.05.2022 and letter No. 418, dated 04.06.2022 requesting to make available the Final Withdrawal Application Form (BTC-56) and verify the countersigned deduction statements of GPF amount of the petitioner from beginning of the service till last contribution made along with the advance certificate so that the GPF amount of the petitioner may be authorized at the earliest.

8. The respondent nos. 3 and 4 have further stated in the counter affidavit that as soon as the aforesaid documents are made available by the parent department of the petitioner namely, Rural Works Department, Bihar, Patna, the accumulated GPF amount of the petitioner shall be authorized at the earliest.

9. Thus, it appears that the respondent nos. 3 and 4 have not been able to authorize the payment of GPF amount to the petitioner for want of receipt of Final Withdrawal Application Form (BTC-56) and deduction statement from the beginning of service of the petitioner and the advance certificate from the parent department of

the petitioner.

10. Respondent nos. 5 and 6 have not filed counter affidavit as yet.

11. Having considered the matter in its entirety, since the GPF amount of the petitioner has been withheld by the respondent nos. 3 and 4 only for want of receipt of Final Withdrawal Application Form (BTC-56), the deduction statement from beginning of the service of the petitioner and the advance certificate which are to be issued by the parent department of the petitioner namely Rural Works Department, Bihar, Patna, which appears to have not yet been issued despite the petitioner having retired on 31.01.2016, this writ petition is hereby disposed of with a direction to the respondent nos. 5 and 6 to forward the Final Withdrawal Application Form (BTC-56), the deduction statement of the GPF amount from beginning of the petitioner's service and the advance certification to the respondent nos. 3 and 4 within a period of two weeks from the date of receipt of a certified copy of this order. After the respondent nos. 5 and 6 has forwarded the documents mentioned above to the respondent nos. 3 and 4, the

respondent nos. 3 and 4 shall pay the GPF amount along with statutory interest till the date of actual payment to the petitioner within a period of two weeks thereafter.

12. The petitioner shall also be served a copy of the statement of the provident fund deducted from the petitioner's salary.

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

(Nani Tagia, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.04.2024
Transmission Date	NA