

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4906 of 2022

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1. Madan Mahto S/o Late Mathura Mahto Resident of Kadi Bigha, P.S. - Rahui, District- Nalanda.
 2. Lal Babu Thakur S/o - Nand Kishore Thakur Resident of Village Harnichak, Mahuli Tola Anishabad Pakri, P.S. Anishabad, District- Patna, Pin - 800002.
 3. Mishri Mahto S/o - Late Feku Singh Resident of Bhadurpur, P.S. - Phulwarisharif, District- Patna.
 4. Abhilesh Singh S/o - Late Yatan Singh Resident of Govindpur Laxman Tola, P.S. - Phulwarisharif, District- Patna.
 5. Parmanand Tripathi S/o - Late Harinarayan Tripathi Resident of Gauri Pundah, P.S. and P.O. - Gauri Pundah, District- Patna, Pin - 803201.
 6. Ram Jatan Rai S/o - LOate Mukhun Rai Resident of Chitkohra Nahar, Ambedkar Chawk, Anisabad, P.S. - Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Building Construction Department, Vishweshwarya Bhawan, Bihar, Patna.
3. Special Secretary cum Nodal Officer, CFMS Cell, Building Construction Department, Patna.
4. Engineer in Chief, Building Construction Department Vishweshwaraya Bhawan, Bihar, Patna.
5. Chief-Engineer, Building Construction Department, Viweshwaraya Bhawan, Bihar, Patna.
6. Superintending Engineer, Building Construction Department South Bihar Circle, Punaichak, Patna.
7. Executive Officer, Building Construction Department, Udyan Pramandal Back Harding Road, Railway Crossing, Quarter no. 12, Patna.
8. Commissioner, Directorate of Provident Fund, Finance Department, Bihar, Patna.
9. District Provident Fund Officer, Patna District, Patna.



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Atul Kumar Pandey, Adv.
For the Respondent/s : Mr. Uday Shankar Sharan Singh (GP19)
Mr. Rakesh Kumar Chandram, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 06-08-2024

Heard Mr. Atul Kumar Pandey, learned Advocate for the petitioners and Mr. Rakesh Kumar Chandram, learned Advocate for the State.

2. The petitioners invoke the jurisdiction of this Court seeking a direction upon the respondents to ensure payment of the Contributory Provident Fund (CPF) amount, due against them for the period 1985-86 to 2013-14 when the petitioners were under the work charge establishment and finally they have been brought in the regular establishment with effect from 20.02.2024 vide Memo No. 2912 dated 17.05.2014.

3. Learned Advocate for the petitioners fairly contended that during the pendency of the writ petition the petitioners have been accorded the respective CPF amount for the period aforementioned. However, the petitioners have not been accorded the interest till the actual payment is made nor they have been provided the calculation chart. It is also contended



that the petitioners were Class-IV employee and as such they were not in a position to make proper calculation as to whether the actual admissible amount under the Contributory Provident Fund has been paid to them or not.

4. Learned Advocate for the State referring to the counter affidavit filed on behalf of respondent nos. 2 to 7 has submitted that all the petitioners have been paid their admissible CPF amount through CFMS for the period aforementioned, the particulars of which have been duly mentioned in paragraph nos. 6 to 9.

5. Learned Advocate for the petitioners at this stage contended that the actual payment has been made on 25.04.2023 and 29.05.2024, however interest has not been accrued for certain period as is evident from the fact that the Executive Officer, Garden Division vide its Letter No. 1776 dated 27.04.2022 wrote to the Assistant Commissioner, Provident Fund Directorate that due to non-availability of allocation of fund payment could not be made. The said letter also demonstrates the amount of CPF. Surprisingly after delay of two years the payment has been made but with the same amount without any interest.

6. Having heard the parties and taking note of the



limited grievance of the petitioners and the averments made in the counter affidavit, the writ petition stands disposed of with a direction to the respondent no. 7 to verify the claim of the petitioners as to whether the interest over the CPF amount has been paid till the actual payment is made or not. In case interest has not been paid till the actual payment of CPF amount, the petitioners shall be entitled to get the statutory interest till the actual payment is made. If the claim of the petitioners finds favour, the amount of interest shall be paid to them, preferably within a period of eight weeks from the date of receipt/production of a copy of this order. The respondent no. 7 is also directed to furnish the calculation chart to each of the petitioners separately.

7. The writ petition stands disposed of.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.08.2024
Transmission Date	

