

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5692 of 2022

=====

Anil Kumar Rai, S/o Late Shyam Bahadur Rai, Resident of Village- Tamori,
P.S.- Jamhore, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Director in Chief (Disease Control, Public Health, Para Medicals) Health Services, Bihar, Patna.
3. The Civil Surgeon Cum Chief Medical Officer, Aurangabad.
4. The Deputy Superintendent, Sadar Hospital, Aurangabad.
5. The Director, Provident Fund, Provident Fund Directorate, Bihar, Patna.
6. The District Provident Fund Officer, Aurangabad.
7. The Treasury Officer, Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shiv Kumar, Advocate
For the Respondent/s : Mr. Manoj Kumar Yadav, AC to GP-10

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 03-09-2024

Heard Mr. Shiv Kumar, learned counsel for the petitioner and Mr. Manoj Kumar Yadav, learned AC to GP-10, for the State.

2. The petitioner by invoking the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India, has preferred this writ application seeking a direction upon the respondent authorities to ensure payment of Group Insurance and General Provident Fund to him along with up-to-date statutory interest till the date of payment, in light of the



letter no.571(4) dated 01.07.2020, issued by the Director in Chief (Disease Control, Public Health Para Medicals) Health Services, Bihar (Annexure-2 to the writ petition).

3. Learned counsel for the petitioner, though initially prayed for other retiral benefits, however, in view of the fact that termination of the petitioner and other identically situated persons has been upheld by the Hon'ble Apex Court in Civil Appeal No. 7879 of 2019 and other analogous cases, he is not pressing the prayer with regard to the other retiral benefits, e.g. Pension and Gratuity. Referring to Annexure-B to the counter affidavit filed on behalf of respondents no. 5 and 6, learned counsel for the petitioner contended that the District Provident Fund Officer, Aurangabad vide his letter no. FP/213 dated 28.05.2022 has already calculated the General Provident Fund of the petitioner with interest up to 30.04.2022 and sent it to the Superintendent Sadar Hospital, Aurangabad, for payment to the petitioner. Despite the aforesaid fact, the authorities are sitting tight over the matter by one reason or the other. It is further contended that other similarly situated persons who were also party to the litigation even before the Hon'ble Supreme Court, they have been allowed the benefits of Group Insurance as well as General Provident Fund. Many of the orders of this Court



have been produced before this Court in order to strengthen and reinforce his submission that others have been allowed similar benefits in the light of the letter no.571(4) dated 01.07.2020.

4. On the other hand, learned counsel for the State referring to the averments made in the counter affidavit has submitted that since the very appointment of the petitioner has been found to be illegal and *void ab initio* and that has been affirmed up to the Hon'ble Apex Court, the petitioner is not entitled for any benefit.

5. Having heard the contentions of learned counsels for the respective parties and taking note of the intent of letter no.571(4) dated 01.07.2020, which still holds the field and this Court finds it in consonance with the statutory rules which govern the Provident Fund and Group Insurance as also the fact that identically situated persons who were party to the litigation before the Hon'ble Apex Court, despite their affirmation of dismissal by the Hon'ble Apex Court, they have been allowed the benefits; and this fact has also not been disputed. In view thereof, this Court has left with no option but to direct respondent no.3, the Civil Surgeon cum Chief Medical Officer, Aurangabad, to ensure payment of aforesaid GPF amount along with up-to-date interest as well as Group Insurance amount



within a period of six weeks from today.

6. The writ petition stands disposed of with the aforesaid direction.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05-09-2024
Transmission Date	

