IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9362 of 2020

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Meena Devi wife of Late Ajit Prasad resident of Mohalla Chandni Chowk (Sudha Computer), P.S. Sheikhpura, District Sheikhpura.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Director, Provident Fund Directorate, Bihar, Patna.
5. The Commissioner, Munger Division, Munger.
6. The District Magistrate, Munger.
7. The District Education Officer, Munger.
8. The District Provident Fund Officer, Munger.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Devendra Prasad Singh
For the Respondent/s	:	Mr. Kumar Kamal Nayan

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 02-02-2024

Heard Mr. Devendra Prasad Singh, learned counsel appearing on behalf of the petitioner and Mr. Kumar Kamal Nayan, learned counsel for the State.

2. The petitioner, wife of late Ajit Prasad, who died on 11.10.2011 after his superannuation from the post of Assistant Teacher, by filing the present writ petition seeking quashing of the letter dated 27.12.2019 issued under the signature of the respondent no. 8, by which the claim for payment of due GPF has been refused. Further prayer has been made to direct the

respondents concerned to ensure the payment of due amount of GPF, Deposit Linked Insurance Scheme with penal interest, besides the statutory interest as provided under the law.

3. It is the case of the petitioner that till date out of Rs.6,15,274/- under the head of GPF, her husband has been paid only Rs.4,81,904/- and the remaining amount of Rs.1,33,370/- is still due for which the petitioner is entitled with interest.

4. Counter affidavit and supplementary counter affidavit have been filed on behalf of respondent no. 8. In compliance of the order of this Court dated 21.12.2023, the details of temporary advance and the amount which has been deposited by the erstwhile employee as shown in the pleader's notice dated 20.07.2018 has been duly responded in paragraph no. 10 of the supplementary counter affidavit which reads as under:

> *"(a) An advance of Rs. 5500.00 vide memo no. 8216-24 dated 16.07.1993 of the District Superintendent of Education, Munger and the same was refunded at the monthly installment of Rs. 210.00 X 21 from January 1994 to September 1995, Rs. 363 * 2 in the month of October 1995 and November 1995 and Rs. 364.00 in the month of December 1995.*
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> *(b) An advance of Rs. 12000.00 vide memo no. 4011 dated 21.11.1997 of the District 'Superintendent of Education, Munger- cum-Jamui*

and the same was refunded at the monthly installment of Rs. 500.00 X 24 from January 1998 to January 2000.

(E) An advance of Rs 40000.00 vide memo no. 699 dated 15.03.2007 of the District Superintendent of Education-cum-Sub Divisional Education Officer, Jamui.

(i) The same was refunded at the monthly installment of Rs. 2000.00 only from the month of March, 2009 to February 2010 and the remaining installment of next eight months was not shown refunded by the husband of the petitioner as per GPF deduction statement sent by the District Programme Officer (Est.), Jamui vide his office memo no, 146 dated 31.02.2012, hence the amount of installment of next eight months remained due of Rs. 2000.00 X 08 months Rs. 16000.00 was not paid to the petitioner.

(ii) That again the respondent no. 8 has sent letter no. 1125 dated 01.09.2021 to the District Programme Officer (Estb.), Jamui for verification of advance refund in between the period from March 2010 to October 2010 (2000 X 8 months - Rs. 16000/-) and its reply was received vide letter no. 579 dated 01.09.2021 by e-mail on 01.09.2021.

(iii) That on verification of advance October 2010 against an advance of Rs.40000.00, the authority slip vide this office Dispatch No. 783 dated 01.09.2021 has been issued to the District

Programme Officer (Estb.), Jamui for payment of a sum of Rs.36,368.00 (thirty six thousand three hundred sixty eight) only to the petitioner, which includes Rs.16000/- along with statutory interest till date against the claim shown in the pleader's notice dated 20.07.2018 as per the statement of deposit of advance by the erstwhile employee."

5. It is further submitted on behalf of the learned counsel for the State that so far the payment of Deposit Linked Insurance Scheme is concerned, an affidavit dated 17.07.2017 was received on 06.09.2017 at the hands of the petitioner and after getting the affidavit, the amount of Deposit Linked Insurance Scheme amounting to Rs.60,000/- was paid to the petitioner vide office letter No. 44 dated 14.10.2017, so the delay was at the petitioner's end. Moreover, there is no provision for payment of any interest on Scheme 2006 and thereby learned counsel for the respondents refuted the contention of the petitioner. He next submitted that the entire claim of the petitioner is based on a report which is a test check report wherein advances were not taken into calculation. This was the period in which new GPF software was under test check. He further submits that the calculation chart which was the basis of the petitioner's claim is found to be incorrect during

the course of verification.

6. At this juncture, learned counsel for the petitioner submits that the petitioner has not been made available, the calculation chart specifically showing the advance taken by the petitioner and the bills submitted by the petitioner against the advance which has been adjusted by the respondents. He next submitted that irrespective of the fact that the petitioner has been paid certain GPF amount but, much belatedly and as such in any view of the matter, the petitioner is entitled for interest over that amount.

7. Considering the rival submissions made on behalf of the parties, this Court thinks it proper to dispose of the writ petition with a direction to the respondent no. 8 to furnish a fresh detailed chart showing the entitlement of the petitioner and the advance taken and bill submitted by her husband and its adjustment, preferably within a period of four weeks from the date of receipt/production of a copy of this order.

8. Needless to observe that in case the petitioner is not satisfied with the calculation chart, she shall be at remedy to file an appropriate representation before the respondent no. 8, who shall consider the claim of the petitioner and if any amount is found payable, the same shall be paid to the petitioner within a

period of four weeks thereafter.

9. This disposes the writ petition.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	05.02.2024
Transmission Date	