

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 12981 of 2021

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Digambar Nath Dubey Son of Achitanand Dubey Resident of Village- Harail,
P.O.- Harail, P.S.- Mohiuddin Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Home,
Government of Bihar, Patna.
2. The Director General of Police Bihar, Patna.
3. The Senior Superintendent of Police Patna.
4. The Director Provident Fund, Government of Bihar, Patna.
5. The Treasury Officer Patna.
6. The Accountant General Bihar, Patna.
7. The Provident Fund Officer Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Ajay Kr Singh, Amit Kashyap, Advocates
For the S t a t e	:	Mr Manoj Kumar, AC to GP IV
For the A G	:	Dr Anand Kr, Mr Rajan Prakash, Advocates

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CORAM: HONOURABLE MR JUSTICE NANI TAGIA

ORAL JUDGMENT

Date : 19-02-2024

Heard Mr Amit Kashyap, learned counsel for the petitioner, Mr Manoj Kumar, learned AC to GP IV representing the Respondents No 1, 2, 3, 4, 5 and 7 and Mr Rajan Prakash, learned counsel representing Respondent No 6.

2 This writ petition has been filed by the petitioner seeking a direction to the respondents to pay pension, gratuity, group insurance and provident fund of his father who died on 01.07.2020 while working as Assistant Sub Inspector.



Respondents No 4 and 7 as well as Respondent No 6 have filed their counter affidavit. Counter affidavit filed by the Respondent No 3 has been handed over to Court by the learned State Counsel which is taken on record.

3 In paragraphs 25, 26 and 27 of the counter affidavit filed by Respondent No 3, it has been stated as hereunder:

25. That the In-charge, Pension Section vide Memo No 171 dated 23.02.2022 informed the In-charge, Legal Section, Senior Superintendent of Police Office that despite the communication vide Memo No 88 dated 05.07.2021 and Memo No 1512 dated 24.09.2021, the petitioner ha not appeared along with documents. As such, the further action with respect to payment of retiral benefit of the petitioner is pending.

26. That the office of the SSP, Patna vide Memo No 245 dated 07.03.2022 again informed the petitioner to appear in the Pension Section of the office along with the copy of the 6 passport size photographs, Aadhar Card, PAN card, passbook of the Bank and genealogical table issued by the Mukhiya/Public representative, got payment of retiral benefit of the late father of the petitioner.

27. That no sooner the petitioner submit the required documents, the retiral benefit of the father of the petitioner shall be paid to the petitioner.”

4 In the counter filed by Respondents No 4 and 7, it has been stated in paragraphs 11 to 14 which is quoted hereinbelow.

“11. That in the light of the present case the present respondent vide his Letter No 1904 dated 14.08.2021, letter read with Memo No 4083 dated 10.09.2021, Letter No 2127 dated 14.09.2021



and Letter No 2301 dated 27.09.2021 has made request to the Senior Superintendent of Police, Patna to make available the GPF account number of the petitioner, BTC Form-56 and deduction statements from the beginning of the service till last contribution along with advance certificate, so that the issue relating to GPF amount of the petitioner may be disposed of at the earliest.

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

13. That in the facts and circumstances stated hereinabove, the present respondent very humbly submits that due to non-availability of the Final Withdrawal Application Form (BTC-56) and other requisitioned documents required to be provided by the parent department and the deduction statements of the GPF account of the deceased father of the petitioner, the present respondent is not able to calculate and authorize the GPF amount of the deceased father of the petitioner.

14. That as soon as the requisitioned documents are made available to the office of the present respondent, the accumulated GPF amount of the deceased father of the petitioner shall be authorized at the earliest.”

5 On perusal of the counter affidavit filed by Respondent No 3, the relevant paragraphs of which have been extracted hereinabove, it is noticed that the Respondent No 3 has been requesting the petitioner to furnish six passport size photographs, aadhar card, PAN card, bank passbook of the petitioner and the genealogical table issued by the Mukhiya/public representative so that the retiral benefits of the petitioner's late



father could be paid to him. The Respondent No 3 has further stated in the counter affidavit that as soon as the petitioner submits the aforesaid documents, the retiral benefits of his late father would be paid to the petitioner.

6 The Respondents No 4 and 7 have also stated in the counter affidavit that they have been making a request to the Senior Superintendent of Police, Patna (Respondent No 3) to make available the GPF account number of the petitioner's late father, BTC Form 56 and deduction statements from the beginning of the service till the last contribution made along with advance certificate so that the issue relating to GPF amount of the petitioner's late father could be disposed of at the earliest. Respondents No 4 and 7 have further stated in the counter affidavit that it was due to the abovenoted documents being not made available to the Respondents No 4 and 7 by the SSP, Patna (Respondent No 3) that the Respondents No 4 and 7 have not been able to calculate the GPF amount of the deceased father of the petitioner. After having stated thus, the Respondents No 4 and 7 also states in the counter affidavit that as soon as the aforementioned documents are made available to their office, the accumulated GPF amount of the deceased father of the petitioner shall be authorized at the earliest.



7 Having noticed the stand of the State Respondents taken in the counter affidavit filed by them as discussed hereinabove that the Respondents have not denied the entitlement of the pensionary and other retiral benefits of the petitioner's late father to the petitioner subject to submission of the aforementioned documents to the respondents-authorities, this writ petition is disposed of with a direction to the petitioner to submit six passport size photographs, aadhar card, PAN card, bank passbook of the petitioner and the genealogical table issued by the Mukhiya/public representative of the late father of the petitioner to the Respondent No 3. As soon as the aforementioned documents are submitted by the petitioner to the Respondent No 3, the Respondent No 3 shall forthwith take steps to make payment of pension and other benefits of the petitioner's late father to the petitioner. The Respondent No 3 is further directed to submit the GPF account number of the petitioner's late father, BTC Form 56 to the Respondents No 4 and 7 forthwith and on such submission of the GPF account number of the petitioner's deceased father and BTC Form 56 by the Respondent No 3 to the Respondents No 4 and 7, the Respondents No 4 and 7 shall forthwith take steps to make payment of the GPF amount along with admissible statutory interest up to date.



8 The entire exercise directed as above shall be made as expeditiously as possible but not later than six weeks from the date of submission of the necessary documents as directed above by the petitioner to the respondent-authorities.

(Nani Tagia, J)

M.E.H./-

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

