

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12885 of 2023

Uttam Sah S/o Late Yogeshwar @ Yogeshwar Sah, @ Yugshwar Sah Resident of Village-Mukhiyapatti, P.S.-Madhwapur, District-Madhubani, presently residing at Meena Bazar, P.O.-Sapta, P.S.-Rahika, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Development Department, Patna, Bihar.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Director, Directorate of Provident Fund, Pant Bhawan, Bihar, Patna.
5. The District Provident Fund Officer, Madhubani, District-Madhubani.
6. The District Education Officer, Madhubani, District-Madhubani.
7. The District Programme Officer (Establishment), Madhubani, District-Madhubani.
8. The Block Education Extension Officer, Harlakhi, District-Madhubani.
9. The Chief Post Master General, G.P.O., Patna.
10. The Head Post Master, Harlakhi Post Office, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bhavendra Jha, Adv.
For the Respondent/s	:	Ms. Meera Singh, AC to GP-23
For the UoI	:	Ms. Punam Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 02-02-2024

Heard Mr. Bhavendra Jha, learned counsel for the petitioner and Ms. Meera Singh, learned counsel for the State. The Union of India is represented by Ms. Punam Kumari, learned counsel.

2. The petitioner, who superannuated on 31.07.2003 from the post of Headmaster, Pansalwa, Harlakhi Block, Madhubani, has filed the present writ petition seeking a



direction upon the respondent(s) to ensure payment of his admissible provident fund amount along with the statutory interest for the financial years 1969-70 to 1976-77 and thereafter for the period from 1978 to 2003.

3. A counter affidavit has been filed on behalf of the respondents no. 4 and 5.

4. It is submitted on behalf of the respondents no. 4 and 5 that for the period from 1976-77 to till the date of retirement of the petitioner, the admissible GPF amount has already been authorized vide authority letter no.982 dated 03.11.2003 amounting to Rs. 2,97,641/-, and the same has already been paid to the petitioner as is evident from the Treasury Payment Schedule.

5. So far as the amount of GPF for the period of 1969-76 is concerned, the concerned respondent submits that the evidence in support of the deposit of GPF amount till November, 1976, which was deposited in the post office has not been provided by the concerned post office. Hence, the claim of the petitioner raised after twenty years from the date of retirement cannot be entertained.

6. A separate counter affidavit has been filed on behalf the respondents no. 9 and 10.



7. It is submitted that the amount of all Teachers Provident Fund accounts were submitted to the Education Department of Bihar, in the year 1976-77, albeit the connecting records/documents were traced out but could not find out as the records are too old.

8. At this juncture, learned counsel for the petitioner, vehemently submits that in the year 2016, a press communiqué was issued by the District Programme Officer (Establishment) Madhubani vide Memo No. 3324 dated 31.10.2016, inviting representation from the aggrieved teachers whose GPF amount for the period 1969-1976 has not been paid. In response thereto, the petitioner filed his representation before the District Programme Officer (Establishment) Madhubani on 04.11.2016, enclosing the details of his subscription and accumulation in his provident fund account and amount with interest payable to him till September, 2016 in the prescribed format. Despite the aforesaid representation, the same has not been paid till date. He further submits that the petitioner is an octogenarian and is not in a position to chase the respondent authorities for his entitlement.

9. In view of the submissions advanced by the learned counsel for the parties, the present writ petition stands disposed



of with a direction to the District Programme Officer (Establishment) Madhubani to consider the claim of the petitioner in the light of his representation dated 04.11.2016 and the enclosure made therewith, showing the details of his subscription and accumulation of his provident fund account and ensure the admissible payment along with the statutory interest, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05-02-2024
Transmission Date	

