

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.120 of 2022

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Lalita Kumari, Wife of Ram Pyare Lal, resident of Village-Sarvoday Nagar,
P.O. Maghra, P.S. Deepnagar, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Health, New Secretariat, Patna, Bihar.
3. The Director, Health Department, New Secretariat, Bihar, Patna.
4. The Director Provident Fund, Department of GPF, Bihar, Patna.
5. The District Magistrate, Nalanda at Biharsharif.
6. The Chief Medical Officer cum Civil Surgeon, Jahanabad.
7. The Prabhari cum In-charge Medical Officer, Primary Health Centre, Kako, District-Jahanabad.
8. The Chief Medical Officer cum Civil Surgeon, Nalanda.
9. The Prabhari cum In-charge Medical Officer, Primary Health Centre, Islampur, District-Nalanda.
10. The Prabhari cum In-charge Medical Officer, Referral Hospital, Islampur, District Nalanda.
11. The Prabhari cum In-charge Medical Officer, Referral Hospital, Rajgir, District Nalanda.
12. The District Provident Fund Officer, Nalanda at Biharsharif.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Anil Chandra, Advocate
For the State	:	Mr. Ajay Behari Sinha, GA-8
		Ms. Seema Ghazala, AC to GA-8

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 27-02-2024

Though a request to pass over this writ petition for the day was made by the learned counsel for the petitioner at 10:30 A.M., Mr. Ajay Behari Sinha, G.A.8 informs this Court that the case was mentioned for adjournment at 10:30 A.M. by



the learned counsel for the petitioner without his consent, to which he has a strong objection.

2. In view thereof, this writ petition is taken up for consideration.

3. The petitioner, who had retired on 31.10.2010 on attaining the age of superannuation as Grade - "A" Nurse from Referral Hospital, Rajgir, District Nalanda, has filed this writ petition for release of the balance amount of G.P.F. with 12% interest.

4. The Respondent Nos. 6 to 11 have filed counter affidavit, wherein in paragraph Nos. 6, 7, 8 and 9 it has been stated as under :

"6. That authority letter was issued for the final withdrawal of a sum of Rs.75776/- (Seventy Five Thousand Seven Hundred Seventy Six Only) representing the entire/available/residual deposits with interest calculated thereon vide letter bearing Dispatch No. 235 dated 21.05.2022 issued under the signature of District Provident Fund Officer, Nalanda.

7. That in the light of aforementioned letter bearing Dispatch No. 235 dated 21.05.2022 consent order was issued by respondent no. 6 and 11 on 04.07.2022 and copy of the same was sent to the Treasury Officer, Nalanda vide Memo No. 449, Rajgir dated 04.07.2022.



8. That accordingly the aforesaid amount has been paid in the account of the petitioner.

9. That after payment of the aforementioned amount the grievances of the petitioner has been redressed and thus the writ petition has become infructuous.”

5. The Respondent Nos.4 and 12 have also filed counter affidavit, wherein in paragraph 17 it has been stated as under :

“17. That thereafter the final calculation of the GPF amount of the petitioner was made and last authority letter bearing no. 235 dated 21.05.2022 amounting to Rs.75,776/- (Rupees Seventy Five Thousand Seven Hundred Seventy Six Only) along with up to date interest thereon was authorized in favor of the petitioner and the same has already been dispatched to the concerned authority for making payment of the authorized amount.”

6. From perusal of the counter affidavits filed by the Respondents as discussed hereinabove, it appears that the balance G.P.F. amount of the petitioner along with the interest have been paid.

7. Counter affidavit by the Respondent Nos.6 to 11 was filed on 29.07.2022 with a copy given to the learned



counsel for the petitioner on 16.08.2022, the receipt of which was duly acknowledged by the advocate of the petitioner, Mr. Anil Chandra, as can be noticed from the notice attached to the counter affidavit.

8. Counter affidavit by the Respondent Nos.4 and 12 was also filed on 06.06.2022, copy of which appears to have also been served to the learned advocate for the petitioner on 28.06.2022, as can be noticed from the notice attached to the counter affidavit.

9. Hard copy of both the counter affidavits filed by the respondent authorities be kept on record.

10. Though the counter affidavits by the Respondents were filed as far back as in the month of June, 2022 and July, 2022 with copies served to the learned counsel for the petitioner, no rejoinder has been filed till date, denying the correctness of averments made in the counter affidavits.

11. In that view of the matter, it is assumed that the petitioner has been duly paid the remaining amount of G.P.F.

12. Under the aforesaid circumstances, this writ petition is hereby disposed of as infructuous.

13. It is, however, made clear that if the G.P.F. amount mentioned in the counter affidavit has not yet been



paid, the respondent authorities shall pay the G.P.F. amount mentioned in the counter affidavit filed by the respondent authorities forthwith to the petitioner.

14. The writ petition is disposed of with the above directions.

(Nani Tagia, J)

Narendra/
Siddharth

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	28.02.2024
Transmission Date	N.A.

