

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8525 of 2024

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Chaturbhuja Jha, S/o Late Sachchidanand Jha, resident of Village - Gangaura,
P.O.- Rahta Chamuk and P.S.- Bihariganj, District - Madhepura, State- Bihar,
Pin Code- 852101.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Water Resources, Government of Bihar, Patna.
2. The Joint Secretary, Department of Water Resources, Government of Bihar, Patna.
3. The Chief Engineer (Head Quarter), Water Resources Department, Government of Bihar.
4. The Principle Accountant General (A and E), Bihar, Patna, Birchand Patel Path, Patna.
5. The District Magistrate -cum- Collector, District- Darbhanga.
6. The District Provident Fund Officer, Darbhanga.
7. The Executive Engineer, Western Koshi Canal Division, Keoti, Darbhanga.
8. The Treasury Officer, Darbhanga, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ghanshyam Sharma, Advocate Ms. Puja Kumari, Advocate Mr. Shashi Saurabh, Advocate
For the Respondent/s	:	Mr. Sitaram Yadav, GP-16 Mr. Yatindra Narayan, AC to GP-16
For the A.G., Bihar	:	Mr. Ram Yash singh, SC (I.A. & A.D.)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-03-2025 Heard the parties.

2. Notwithstanding the fact, the petitioner superannuated from the post of Junior Engineer long back on 31.11.2004 from the office of the respondent no. 7, the Executive Engineer, Western Koshi Canal Division, Keoti, Darbhanga. The petitioner has not been accorded his admissible



G.P.F. amount, alongwith other admissible dues and statutory interest, he approached this Court by filing the present writ petition.

3. A counter affidavit has been filed on behalf of respondent no. 1, 2, 3 and 7 with categorical averment made therein, specially in paragraph no. 27 that the petitioner has been paid the G.P.F. amount to the tune of Rs. 2,22,564/ in the light of the Authority Letter dated 18.07.2023 alongwith the upto date interest to June, 2023. The District Provident Fund, Darbhanga has issued another authority letter dated 25.01.2024 for payment of an amount to the tune of Rs. 6,87,838/ alongwith the interest upto December, 2023; however, the actual payment has been made to the petitioner on 09.07.2024, after a delay of almost six months.

4. Referring to the statements made in the counter affidavit, Mr. Ghanshyam Sharma, learned Advocate for the petitioner submits that it is the admitted position that the interest for the period, the date on which the authority letter was issued and the actual payment has been made, has not been calculated. To support the aforesaid contention heavy reliance has been placed on a decision of the learned co-ordinate Bench of this Court in the case of Mosmat Shanti Devi vs. The State of Bihar



& Ors., specially paragraph 6 and 7.

5. He further submits that the facts are admitted that the petitioner was duly appointed on 07.02.1979 and worked till 31.12.2004, but the G.P.F. has been calculated only for the period from December, 1988 to 31.12.2004. The contribution made during the services rendered prior to December, 1988 has never been taken into account while calculating the total G.P.F. amount.

6. It is lastly contended that the petitioner also requested to all the authorities concerned to consider his case for the benefit under the Assured Career Progression Scheme, that has also not been done.

7. At this juncture, learned Advocate for the State fairly submits that the counter affidavit does not deal with the period rendered prior to December, 1998 and, as such, the same is required to be considered by the District Provident Fund Officer, Darbhanga.

8. Having considered the submissions advanced by learned Advocate for the respective parties, this Court deems it appropriate to dispose off the writ petition with a direction to the District Provident Fund Officer, Darbhanga to consider the claim of the petitioner for G.P.F. amount for the period with



effect from 07.02.1979 till November, 1988. Simultaneously, the respondent no. 3 shall also consider the claim of the petitioner for Assured Career Progression Scheme. The entire exercise must be completed preferably within a period of three months from the date of receipt/production of a copy of this order.

9. Suffice it to observe that in case the claim of the petitioner finds favour, necessary payment shall be paid within the period afore-noted.

10. The writ petition stands disposed off.

(Harish Kumar, J)

supratim/-

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