IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1176 of 2024

CNR No. BRHC011143712024

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1. The State of Bihar, through the Principal Secretary, Department of Health Government of Bihar, Patna.
2. The Director in Chief, (Disease Control, Public Health, Para Medicals) Health Services, Bihar, Patna.
3. The Civil Surgeon Cum Chief Medical Officer, Aurangabad.
4. The Deputy Superintendent, Sadar Hospital, Aurangabad.
5. The Director, Provident Fund, Provident Fund Directorate, Bihar, Patna.
6. The District Provident Fund Officer, Aurangabad.
7. The Treasury Officer, Aurangabad.

... ... Appellant/s

Versus

Anil Kumar Rai S/o Late Shyam Bahadur Rai, Resident of Village- Tamori P.S.- Jamhore, District- Aurangabad.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mrs. Archana, Advocate, GA-
Mr. Rudrank Shivam Singh, AC to GA-9
For the Respondent/s : Mr. Shiv Kumar, Advocate
Ms. Sweta Burnwal, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
and
HONOURABLE MR. JUSTICE RANA VIKRAM SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI)

7 27-10-2026 It is needless to say that through out the country, the State Government is the biggest litigant and as a result of filing, appeals against the order passed by the learned Single Judge on frivolous and vexatious grounds, pendency of the cases in almost all the High Courts is piling up.

2. The instant appeal is another instance where the State

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Government has preferred an appeal assailing the judgment and order dated 3rd September, 2024 passed by the learned Single Judge in CWJC No. 5692 of 2022, directing the respondent no. 3, the Civil Surgeon-cum-Chief Medical Officer, Aurangabad to ensure payment of GPF amount along with up to date interest as well as group insurance amount within a specific period of time.

3. It is needless to say that provident fund is the fund created for the benefit of an employee, deducting a certain percentage of his/her own money from the salary for repayment with certain rate of interest fixed by the Government under the appropriate statute.

4. It is absolutely settled that even in case of dismissal, termination or removal of an employee, payment of provident fund amount with accrued interest cannot be denied, so is the group insurance which is a beneficial scheme for future life of an employee after his retirement.

5. The learned Advocate for the appellant in course of argument failed to place any factual ground, as to why the payment of provident fund amount and group insurance is to be denied to the petitioner/private respondent. He also failed to refute Letter No. 571(4), 01.07.2020. Two decisions in LPA No. 971 of 2025 (**The State of Bihar vs. Ravi Shankar Kumar**)

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and LPA No. 1138 of 2024 (**The State of Bihar & Ors. vs. Upendra Sharma**) were cited but the said decisions are not applicable under the facts and circumstances of this case.

6. The appellants ought to have comply with the decision of the learned Single Judge at the earliest. However, the appellant not only failed to comply with the order impugned but also filed a frivolous appeal to stall payment of statutory dues. It will also not be out of place to mention that the learned Advocate for the appellant has failed to produce any statute, rule, notification or regulation issued by the State Government in support of non-payment of provident fund and GIS dues.

7. For the reasons stated above we do not find any merit in the instant appeal and the same is dismissed with cost of Rs. 10,000/- (Ten Thousand Rupees) to be paid by Dr. Mukul Kumar, Additional Director Health Services, Bihar, Patna who had shown the affidavit in the memorandum of appeal from his pocket.

8. It is directed that State Government must be cautious in filing the appeal of frivolous and non-est grounds only to satisfy its departmental or personal ego. As such action is dehors the expressed provision contained in Bihar Litigation Policy, 2011.

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9. A copy of this order be sent to the Chief Secretary, Government of Bihar for communication to all the Departmental Heads for strict compliance of the Bihar Litigation Policy, 2011 in future.

(Bibek Chaudhuri, J)

(Rana Vikram Singh, J)

Jyoti Kumari/-

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