

(2007) 11 JH CK 0051
In the Jharkhand High Court

Amulya Ratan Pramanik

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 27-11-2007

Acts Referred:

Citation : (2008) 2 JCR 222

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

Narendra Nath Tiwari, J.—The grievance of the petitioner is that even after lapse of several years, his amount of GPF has not been duly paid. The part amount was paid in two instalments in the year 2003. but the amount was calculated without considering the contribution made by the petitioner from 1962-63 to 1975-76. The respondents have also not properly calculated the statutory interest payable to the petitioner on the delayed payment of the amount of GPF. The petitioner has stated that though he had not taken any advance during his service tenure, the statement served on him indicates four such advances, Learned Counsel for the petitioner submitted that there is no basis for showing such advances as the same were never taken by the petitioner.

2. Mrs. I, Sen Chaudhary, learned SC-III, on the other hand, disputed the petitioner's claim and submitted that the record shows that the petitioner had taken four advances and the amount has been rightly adjusted towards the said advances. It has been stated that whatever payable to the petitioner was properly calculated and paid to the petitioner and there is no dues payable to the petitioner towards the amount of GPF.

3. In view of the nature of the claim/dispute between the parties, it is not possible to decide the same in extra ordinary writ jurisdiction of this Court. However, since the petitioner has disputed the entries of advance and has clearly denied taking of any advance during his service tenure and has also disputed the calculation arrived at without considering the contribution made from 1962-63 to 1975-76, the respondents being the instrumentality of the welfare State, were

duty bound to give hearing to the petitioner and to decide the claim made by him. Learned SC submitted that the District Provident Fund Officer, East Singhbhum, Chaibasa is the competent authority to look into the petitioner's grievance and pass appropriate order. It has been submitted that if the petitioner files a fresh representation before the said authority regarding his objection/claim along with a copy of this order, the same shall be duly considered and appropriate order shall be passed after giving adequate opportunity of hearing to the petitioner.

4. Considering the said submissions made by learned Counsel for the parties, this writ petition is disposed of giving liberty to the petitioner to file a fresh representation giving details of his objection/claim before the District Provident Fund Officer, West Singhbhum, Chaibasa.

5. If such representation is filed, the said respondent shall consider the same and after giving proper opportunity of hearing to the petitioner, shall decide the objection point wise by a reasoned order communicating the same to the petitioner in writing within a period of two months from the date of receipt of such representation. If one or the other claim(s) of the petitioner is/are found in his favour, the monetary benefits shall be given to the petitioner after due calculation and addition along with the statutory interest admissible to the petitioner within a period of six weeks thereafter. If the amount(s), found payable to the petitioner, is/are not paid within the said period, the petitioner shall be entitled to get interest @ 10% per annum till final payment In addition to the statutory interest payable on delayed payment of such dues.