(2003) 04 JH CK 0079

In the Jharkhand High Court

Case No : Cont. Case (C) No. 364 of 2002

Awadesh Kumar Singh APPELLANT

Vs

State of Jharkhand and Others RESPONDENT

Date of Decision : 18-04-2003

Acts Referred:

Citation : (2003) 2 JCR 660

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : A.R. Sarangi, for the Appellant; A. Allam and S. Srivastava, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—The matter relates to payment of provident fund in favour of petitioner, During service period, he was posted at Dhanbad, Palamau and Sheohar (Sitamarhi). After retirement of petitioner, he was paid a sum of Rs. 1,88,084/-. The petitioner initially claimed that he has hot been paid the provident fund amount for the period he was posted at Sheohar (Sitamarhi) and Dhanbad.

2. Counsel for the State of Jharkhand on receipt of instruction, informed that no document is available in the office of S.P., Dhanbad relating to deduction of provident fund for the period 1959-66. Counsel for the State was also not in a position to assess whether the provident fund amount deducted while petitioner was posted at Sheohar (Sitamarhi) has been paid in favour of petitioner or not.

3. To sort out the matter, all the three district provident fund Officers, Sitamarhi, Palamau and Dhanbad were directed to remain present. They appeared on 7th March, 2003, filed their respective affidavit and made certain statement which was recorded on 7th March, 2003, as quoted hereunder :

"In pursuance of Court''s order, to sort out the matter, the District Provident Fund Officers, Sitainarhi, Palamau and Dhanbad are present. They have filed their respective show cause. It is stated that on the basis of petitioner''s Account No.

43251 whatever the deduction made during the year 1966-72, was collected by the District Provident Fund Officer, Palamau from the office of S.P. Palamau and details were forwarded to the District Provident Fund Officer, Sitarnarhi. The District Provident Fund Officer, Sitamarhi had given details of deduction of the subsequent period. On that basis, the amount of Rs. 1,67,808/- + 20,276/- = Rs. 1,88,084/-has been paid to the petitioner, The details of deduction for the period 1959-66 being not available in the office of S.P., Dhanbad, the details of such deduction could not be forwarded to the District Provident Fund Officer, Sitamarhi.

Admittedly, the corresponding account of deduction used to be maintained in the office of A.G. Bihar. In this background, to know what is the amount deducted towards G.P.F. for the period 1959-66 when information was sought for, the A.G. office traced out that both Account Nos. 43251 and P. 38842 but they are recorded in the name of one Sri Basant Minj. For the said reason, the Account No. 43251 as was recorded in the name of Sri Basant Minj was cancelled.

The District provident Fund Officer, Sitamarhi informed that the A.G. Bihar only shown the deduction "zero" for the period 1959-66.

Counsel for the A.G. Bihar submitted that such data "zero". may have been communicated because of the cancellation of the account number and balance shown in the computer.

Having regard to the facts and circumstances, the counsel for the A.G. Bihar is directed to produce the original register wherein the amount deducted was reflected against the Account No. 43251 in the name of Sri Basant Minj. The other register in respect to Account No. P. 38842 be also produced on the next date.

The appearance of District Provident Fund Officers, Sitamarhi, Dhanbad and Palamau is dispensed with for the present.

Place this case under the heading "for orders" on 27th March, 2003 on the top of the list.

Let a copy of this order be handed over to the counsel for the parties."

4. Counsel for the A.G. Bihar and Jharkhand produced the original record of both Account No. 43251 and Account No. 38842, both recorded in the name of Sri Basant Minj. Against the Account No. 43251, it was mentioned that the said number being duplicated, Sri Basant Minj having granted separate Account No. 38842, it was treated as cancelled. No amount has been shown therein to find out the provident fund amount as was deducted from the salary of petitioner during the period 1959-66 and the statutory amount to which he was entitled for the said period.

5. Admittedly, the record should have been maintained by the office of the S.P., Dhanbad under whom the petitioner was posted and corresponding record In the

office of A.G., Bihar and Jharkhand for the period in question, they having not kept the record of petitioner, the petitioner cannot suffer.

6. In this background, while it is not possible to give any finding as to what amount which the petitioner was entitled towards G.P.F. with statutory interest for the period 1959-66 taking into consideration the laches on the part of the respondents, I impose a cost of Rs. 10,000/- (ten thousand) on the respondent-State of Jharkhand for payment in favour of petitioner which the petitioner shall treat to be the amount of provident fund with statutory interest for the period 1959-66. The amount be paid within three months from the date of receipt/ production of a copy of this order, failing which the respondents will be liable to pay the interest @ 5% on such amount (10,000) from the date of this order till the amount is paid.

7. In view of the aforesaid order, this Court is not inclined to proceed in the matter further.

8. The original records of A.G. Bihar and Jharkhand are returned to Mr. S. Srivasatava, counsel for the A.G. Bihar and Jharkhand.

9. This application stands disposed of.