

(2001) 12 PAT CK 0029
In the Patna High Court
Case No : C.W.J.C. No. 14857 of 2001

Bhagwan Prasad Sharma

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 14-12-2001

Acts Referred:

Citation : (2002) 4 PLJR 734

Hon'ble Judges : P.K. Deb, J

Bench : Single Bench

Judgement

P.K. Deb, J.—Heard the parties.

2. in all these cases claims and grievances of the Petitioners are almost same and similar and the Respondents the same. Some of the Petitioners (sic) retired as assistant teachers and some a headmasters from primary/middle school situated within the district Jehanabad while has been bifurcated from erstwhile, Gaya district. In some of the cases grievance are in three folds.

(i) That the Petitioners have not received their G.P.F. accumulated amount with statutory interest for the period prior (sic) December, 1976 when such accumulation and accounts were being maintained and kept by the District Superintendent Education, Gaya.

(ii) For payment of arrears salary from 1.1.1971 to 31.3.1973, which as per the Government resolutions the been deposited with the G.P.F. account the individual teacher and were to be paid at the time of their retirement along with interest, had not been paid. In some of the cases there is third prayer to the effect that an amount of Rs. 1,000/- had been deducted from the gratuity amount or rather kept in abeyance, which should be disbursed immediately with interest. Various such cases have been filed before this Court and in a batch of cases i.e. C.W.J.C. No. 11916/2001 and others a Bench of this Court has passed an order on 19.11.2001. It is submitted from the side of the Petitioners that these cases should also be disposed of by the same direction given in that batch cases as the

claims of the Petitioners are almost same and similar.

3. In respect of the first claim it is submitted for and on behalf of the State that initially some schools were under the District Board or under the Municipal Corporation and the G.P.F. amounts on curtailment from the salary were accumulated with the Municipal Corporation accounts or the District Board's accounts and if those amounts have not been diverted to the account of District Superintendent Education then it would not be possible for the District Superintendent Education to get the amount disbursed in favour of the Petitioners. It is also submitted that at the same time the schools were within the district of erstwhile Jehanabad and the amounts of G.P.F. were accumulated in the accounts of District Superintendent Education, Gaya. Until and unless those amounts have been transferred to the accounts of District Superintendent Education, Jehanabad, he would not be in a position to pay the same.

4. When the claims and relief's claimed are similar and of the same nature, these writ petitions, are disposed of directing the individual Petitioners to file representations before the District Superintendent Education, Jehanabad, and also District Superintendent Education, Gaya within a period of six weeks from this date along with a copy of this order and those representations should be disposed of by the respective District Superintendent Education within a period of four weeks next thereafter on giving personal hearing to the individual Petitioners. The amounts which had been accumulated are still lying with the District Superintendent Education, Gaya and the same should be transferred to District Superintendent Education, Jehanabad, from where payments are to be made within a period of eight weeks along with the statutory interest from the date of due till the date of realization.

5. It is further made clear that District Superintendent Education, Gaya, should see and find out from his records whether the schools which were originally run by him and Municipal Corporation and whether the accounts accumulated for G.P.F. had been transferred to the District Superintendent Education or not. If not, he should get it transferred within a period, as mentioned above and then transfer it to the District Superintendent Education, Jehanabad. In some of the cases it appears that the salary differences have already been made available to some of the Petitioners but interest has not been paid. They should make representations for interest only and such statutory interest should also be made available to them as per the general orders made within the period as mentioned above.

6. These writ petitions are disposed of accordingly.