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(2006) 04 JH CK 0074

In the Jharkhand High Court

Case No : Writ Petition (S) No. 6580 of 2005

Jonas Dahanga — APPELLANT

Vs

The State of Jharkhand and Others — RESPONDENT

Date of Decision : 18-04-2006

Acts Referred:

Citation : (2006) 04 JH CK 0074

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : P.K. Sengupta, for the Appellant; S.K. Verma and S. Srivastava, for the Respondent

Judgement

M.Y. Eqbal, J.—Reference is being made to the order dated 5.4.2006 passed in this case which reads as under:

Petitioner was appointed as Assistant Teacher in 1956 in Junior Basic School, Manoharpur. In 1963 he was promoted and taken over the charge of Headmaster in the said School. After continuously serving for about 28-29 years, he was superannuated on 30.1.84. After his retirement, he was not paid his provident fund and leave encashment amount. Petitioner filed several representations. In 1991 Special Officer-cum-Joint Secretary, H.R.D. Department, Government of Bihar vide letter dated 14.2.91 directed respondent No. 6, District Education Officer, West Singhbhum to furnish all details about the deduction of provident fund. In 1993 again the Special Officer-cum-Joint Secretary, H.R.D. Department, Government of Bihar sent a letter to respondent No. 6 whereby he has stated that till then nothing has been sent by respondent No. 6 to him as such it is tarnishing the image of the department. In this way, petitioner has become 83 years old but the provident fund amount was not paid. As a last resort, petitioner knocked the door of the Court by filing instant application. On 22.3.2006 this Court passed the following order which reads as under:

The petitioner is allowed to add the Accountant General, Jharkhand and the

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District Provident Fund Officer, Singbhum West, Chaibasa as party respondents in this case.

The petitioner, who is 80 years old, retired in 1984 as Head Master from Junior Basic School, Manoharpur. Surprisingly, till date the provident fund amount and leave encashment have not been paid to him.

The District Education Officer, Chaibasa and the District Provident Fund Officer, Chaibasa are directed to look into the matter and see that the provident fund amount and leave encashment are paid to the petitioner within 10 days from today, failing which this Court shall pass a very harsh order including initiation of departmental proceeding against them on the charge of dereliction of duties.

Put up this case on 5th April, 2006.

Let a copy of this order be handed over to the State Counsel today itself.

A counter-affidavit has been filed by District Provident Fund Officer, West Singhbhum, Chaibasa stating that immediately after the receipt of the aforesaid order dated 22.3.2006 provident fund amount of Rs. 8,483/- has been sanctioned and authority slip has been issued. In the said affidavit, it is stated that no papers relating to the provident fund amount was ever sent to the District Provident Fund Office by the District Superintendent of Education for payment of provident fund amount. It is further stated that for the first time, on 30.3.2006 the documents relating to the case of the petitioner for payment of G.P.F. deduction was forwarded to the answering deponent and thereafter the entire payment of Rs. 8,483/- has immediately been released and authority slip has been issued. Respondents have also annexed a calculation chart. From perusal of the chart, it transpires that provident fund amount had been deducted from the beginning i.e. from 1958-59. I fail to understand as to how the total provident fund amount together with interest will come to Rs. 8,483/-. District Superintendent of Education has not cared to file counter-affidavit. The issue with regard to quantum of G.P.F. amount payable to the petitioner shall be decided later on. In view of the conduct of the respondents, I direct them to immediately and forthwith pay a sum of Rs. 50,000/- by way of cost and compensation to the petitioner. The said amount must be paid within ten days from today.

Let a copy of this order be handed over to the learned Counsel for the respondents and a copy of this order be sent to the Chief Secretary for initiating action against the erring officers on whose failure provident fund amount could not be paid to the petitioner in time.

Put up this case on 18th April, 2006 under the heading "For Orders.

2. Pursuant to the aforesaid order, a show cause has been filed by the District Education Officer, West Singhbhum, Chaibasa. Besides other facts, it is stated in the show cause that he has been duly authorized by the District Superintendent of Education, Chaibasa to file show cause after making payment as directed by

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the Court in its order dated 5.4.2006. Further, on the instruction of the Secretary of the Department, bank draft of Rs. 50000/- was issued being the cost awarded by this Court. It is further stated that the Secretary, Human Resources Department, Government of Jharkhand has given direction to the Director, Primary Education to initiate action against the erring officers for the laches in not making payment to the petitioner and the Director accordingly issued letter dated 15.4.2006 and the action has been taken. The letter dated 15.4.2006 has been annexed as Annexure-D to the show cause. From Annexure-D, it transpires that the Director, Primary Education sent a letter to the District Superintendent of Education, West Singhbhum, Chaibasa directing him to pay Rs. 50000/- to the petitioner from the fund already allotted and also to submit a report identifying the Officer against whom action could be taken. Prima facie, therefore it appears that the authorities of the Education Department took the order so lightly in as much as if they paid the compensation amount from the Government exchequer and just as an eyewash, issued the letter to the District Superintendent of Education to identify the officer. I am sorry to say that the Chief Secretary, who is head of the bureaucrats, has flouted the order of this Court inasmuch as the Chief Secretary was directed by this Court to initiate action against the erring officer on whose failures, the amount could not be paid to the petitioner. The Officer, on one hand, commits such an act of laches and negligence, and, on the other hand, they have no hesitation in paying the cost of compensation from the Government fund.

3. In the aforesaid premises, I direct the Chief Secretary to file affidavit as to state what action he has taken in compliance of the order quoted herein above.

4. Put up this case on 9th May, 2006.

5. Let a copy of this order be handed over to the State Counsel.

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