(2007) 08 PAT CK 0115

In the Patna High Court

Case No : CWJC No. 16683 of 2004

Mokhtar Ahmad Khan and Others APPELLANT

Vs

State of Bihar and Others RESPONDENT

Date of Decision : 02-08-2007

Acts Referred:

Citation : (2008) 3 PLJR 597

Hon'ble Judges : Ajay Kr. Tripathi, J

Bench : Single Bench

Advocate : Md. Kamran, for the Appellant; Md. Shahnawaj Ali, for the Respondent

Judgement

Ajay Kr. Tripathi, J.—Heard learned counsel for the petitioners and learned counsel for Darbhanga Municipal Corporation. This writ application is in the representative capacity of the employees of Darbhanga Municipal Corporation as well as Safai Karmachari of Darbhanga Municipal Corporation. They filed this writ application because the necessary deduction which have been made from their salary under the head of Provident Fund was not deposited with statutory interest in the accounts of the employees working under Darbhanga Municipal Corporation. They have sought a direction upon the respondents in this regard because it is not only hard earned money but also statutory money to which they are entitled to.

2. Prima facie if the statements made by petitioners are correct then it could be a serious issue because Provident Fund deduction and their deposits are governed by Central legislation in this regard and default in such operation of account of deduction may entail serious consequence.

3. A counter affidavit on behalf of the respondent-Darbhanga Municipal Corporation has been filed. In the counter affidavit they have stated that now they have opened account in the Nationalised Bank and the requisite deductions have been deposited in the Indian Bank Branch at Darbhanga. They state that all

such employees who have opened account in the bank, pass books have been issued and their deducted amount has been incorporated therein. But there are certain employees who have not yet opened account and therefore individual entries are not available to them. They further state that for such kind of employees the deducted money has been deposited in the General Account No. 13121. They have stated that all those employees who had not opened account in the bank may kindly do so at the earliest so that they will be issued a pass book with necessary entries.

4. From the narration in the counter affidavit it is not very clear as to what is the period these deductions have been deposited in the concerned bank. The authorities will have to take steps that all deductions made during the service of the employees working under the Corporation must find its place in the concerned account. If they have failed to do so they shall take steps even now to avoid any prosecution in this regard.

5. Liberty is granted to the representatives of the employees who are petitioners here to convey the stand which has been taken by the respondents in the counter affidavit and in case any anomaly still remains then they shall point out the same to the authority in writing and the authority thereafter shall take steps to remove the said anomaly at the earliest. Failure to perform their responsibility will give right to petitioners to approach this Court again and in that event the Court may take very serious view against the authority in case the deducted amount towards Provident Fund is not deposited in their accounts. This writ application is disposed of with the above direction.