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7/6/87/13

IN THE HIGH COURT OF JUDICATURE AT PATNA  
(Civil Writ Jurisdiction)

C.W.J.C. No..... of 2013

Punam Devi.....Petitioner

Versus

The State of Bihar & Others.....Respondents

Sub- Retirement <sup>Non Gazetted</sup> ~~Benefit Matter (Non Gazetted)~~

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### SYNOPSIS

The petitioner namely Punam Devi has come before this Hon'ble Court seeking direction from this Hon'ble High Court to expedite the grievances of petitioner in respect to payment of the amount of provident fund of her husband with interest, which she is legally entitled for the same. The petitioner's husband namely Dhukhan Sah Dhuhit was posted on the post of Jan Sewak under the Project Executive Officer, Kumar Khand, Machhapura. Her husband died on 29-06-99 during his service period. His provident fund A/c is Ag-26186 and MDP/AGR-186. After death of her late husband, the petitioner filed several representations in respect to payment of the amount of provident fund of her late husband, which she is legally entitled but except verbal assurance she didn't get anything. Circumstances have compelled the petitioner to knock the door of the Hon'ble high Court for redressal of her legal grievances.

Hence this writ petition is being filed.

**Following documents are being annexed with this petition:-**

- 04-08-1999:- Representation by the petitioner to the Project Executive Officer, Kumar Khand.
- 10-09-1999:- Representation to the District Provident Fund Officer, Madhepura.
- 15-08-2000:- Representation to the District Provident Fund Officer, Madhepura.
- 20-05-2013:- Representation to the to the Project Executive Officer, Kumar Khand.

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil Writ Jurisdiction)

C.W.J.C. No..... of 2013

In the matter of an application  
under Article 226 of the  
constitution of India;

And

In the matter of :

Punam Devi, W/o Late Dhukhan Sah Duhit, R/o Village:- Kumar Khand, P.O:-

Kumar Khand, P.S:- Kumar Khand, Distt:- Madhepura.

.....Petitioner

Versus

- 2
1. The State of Bihar.
  2. The D.M., Madhepura.
  3. The S.D.O., Kumar Khand, Madhepura.
  4. The Project Executive Officer, Kumar Khand, Saharsa.

..... Respondents

To,

The Hon'ble Justice Ms. Rekha M. Doshit, the Chief Justice of the High Court of Judicature at Patna and his companion Justice of the said Hon'ble Court.

The humble petition on behalf of  
petitioner above named.

Most respectfully sheweth:-

1. That, the petitioner seek indulgence of this Hon'ble Court under article 226 of the constitution of India for the following reliefs:-

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- I) For issuance of a writ of or in the nature of writ of Mandamus directing the respondents concerned to pay the petitioner amount of provident fund of her late husband, which she is entitled.
  
- II) For issuance of a writ of or in the nature of writ of Mandamus directing the respondents concerned to pay the amount of interest at the current market rate on the whole amount of provident fund of her husband.
  
- III) For any other appropriate writ/writs, order/orders, command/commands, direction/directions, which your Lordships may deem fit

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and proper on the facts and circumstances of  
the case.

2. That, the petitioner has not filed any application or writ application  
before this Hon'ble High Court earlier in this matter.

3. That, the aforesaid reliefs are being sought for on the following  
grounds:-

- 1) For that, the petitioner being widow of the  
government employee namely late Dhukhan  
Sah Duhit is legally entitled for the amount of  
provident fund of her late husband but the  
respondent concerned is not taking step in  
this regard, which is quite improper in the eye  
of law.

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II) For that, the petitioner being lady had filed several representations before the respondents concerned in this respect and also had personally contacted the respondents concerned for redressal of her grievances but nothing have been done in respect to expedite her grievances, which is against the principal of natural justice.

III) For that, the petitioner is legally entitled for amount of interest on the whole amount of the provident fund of her husband but the respondents concerned are sitting idle, which has caused irreparable loss to the petitioner.

IV) For that, other grounds will be taken up at the time of final argument of this case.




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4. That, the petitioner is citizen of India and is residing within the territorial jurisdiction of the Hon'ble High Court.
  5. That, the petitioner is widow of late Dhukan Sah Duhit, who died on 26-06-1999 leaving behind her.
  6. That, Dhukan Sah Duhit was posted on the post of "JAN SEWAK", village level worker under the Project Executive Officer, Kumar Khand under Madhupura District.
  7. That, after that of her late husband the petitioner filed representation before the Project Executive Officer, Kumar Khand as well as before the District Provident Fund Officer, Madhepura, in which she had stated about her grievances in respect to payment of the amount of provident fund of her late husband as well as the

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amount of interest on the whole amount. But it is a matter of great surprise that till now her case in respect to the same has not been expedited yet.

A typed copy of the representation dated 04-08-99 to the Project Executive Officer, Kumar Khand is annexed herewith and marked as annexure 1 which forms part of the petition.

8. That, the petitioner husband died on 26-06-99, his account no. of the provident fund is Ag-26186 and MDP/AGR-186. During service period, the department had deducted amount of his share and had deposited it in the account of the husband of the petitioner. The petitioner is legally entitled to withdraw the amount of provident fund of her husband along with the interest. For which the



petitioner has filed representation before the District Provident Fund Officer several times but no steps have been taken by the respondents concerned.

Photo copy of the representation dated

10-09-99, 15-08-2000 are annexed

herewith and marked as annexure 2 &

2/1, which form part of the petition.

9. That, the petitioner has filed her last representation on 20-05-2013 for redressal of her grievances. But no one is ready to hear her grievances or to expedite her claim.

A photo copy of the representation

dated 20-05-13 to the to the Project

Executive Officer, Kumar Khand is

annexed herewith and marked as

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annexure 3 which forms part of the  
petition.

10. That, it is not possible for a widow lady to knock the door of the office of the Project Executive Officer, Kumar Khand as well as the office of the District Provident Fund Officer for her grievances. It is also not possible for her to go table to table of the assistant.
11. That, the petitioner had also approached the respondent concerned personally for her legal claim. But except verbal assurance, she couldn't get anything. The circumstances later on compelled the petitioner to file this writ application before this Hon'ble Court for redressal of her grievances.
12. That, in the circumstances, the petitioner has no other alternative of

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efficacious remedy than to move before the Hon'ble High Court and  
the reliefs prayed herein if granted would afford him complete  
economical and speedy relief.

It is, therefore, humbly prayed that your  
Lordships may graciously be pleased to  
issue a rule NISI, for a writ of or in the  
nature of writ of mandamus calling  
upon the respondents to show cause as  
to why the reliefs prayed for in  
paragraph 1 of this petition be not  
granted.

And.

Upon return of the writ and the rules  
and perusing such causes as may be  
shown and after hearing counsel for the

parties the writ and the rule be made  
absolute.

And/or

Pass such other appropriate writ/writs  
order/orders, command/commands,  
direction/directions which your  
lordships may deem fit and proper.

And for this petitioner shall ever pray.

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AFFIDAVIT

I, Punam Devi, aged about 45 years, W/o Late Dhukhan Sah Duhit, R/o Village:- Kumar Khand, P.O:- Kumar Khand, P.S:- Kumar Khand, Distt:- Madhepura, do hereby solemnly affirm and states as follows:

1. That, I am petitioner in this case and as am well acquainted with the facts and circumstances of the case.
2. That, the contents of the petition and affidavit have been read explained to me in Hindi which are true to my knowledge.
3. That, the statement made in paragraph no. 1 to 6/8 10 to 12 are true - to my knowledge, those made in paragraph no. 7 to 9 are true to my information derived from the records rests are by way of submission to this Hon'ble Court.
4. That the annexures are true copies of their originals.

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4.8.99

सेवा में,

परियोजना कार्यपालक पदाधिकारी  
कुमारखण्ड

(A/1)

विषय - भविष्य निधि लेखा सं० एजी, 26186,  
एम० डी० पी० / ए० जी० R-186 में किये गए  
अर्शदान का सुद सहित भुगतान के संबंध में

महोदय,

सादर निर्वेदन पूर्वक कहना है कि मेरे पास एच० दुखन साह  
दुहिन का निधन 26.6.99 को ही गया है। उनके भविष्य  
निधि ले० सं० 26186 एम० डी० पी० / ए० जी० आर-186 में  
उनके द्वारा किया गया भ० नि० अर्शदान शशी का सुद-  
सहित अंशिम भुगतान करने की कृपा की जाय

अनुलग्नक - भ० नि० अंशिम निकासी  
प्रपत्र तीन प्रति में  
(2) कठौरी विवरण  
- 29 प्रति

4.8.99

विशवास भाजिका

पुनग देवी पात्र एच०  
दुखन साह दुहिन  
ग्र० जनसर्वक  
परि० कवांग कुमारखण्ड  
गंधपुरा



Am-2 (A) 12  
सेवा में  
1. माननीय न्यायाधीश महोदय,  
उच्च न्यायालय चटना मल्हेपुरा

विषय:- भविष्य निधि ले० सं० Ag-26186, MDP/AGAR-186  
का अंतिम गुजरान अदलन सूद के साथ दिलाने के  
संबंध में

महोदय,

सादर निवेदन पुरवक कहना है कि मेरी पति स्व. पुखन साह 'दुहित' परियोजना कार्यालयक पदाधिकारी कुमारकांड के अधीन जनसेवक के पद पर कार्यरत थीं। जिनका निधन दिनांक 26.6.99 के अपराह्न में कार्य पर ही हो गया था। उनके संपु के बाद उनके भवि नि० खाता सं० Ag-26186 एवं MDP/AGAR-186 में उनके द्वारा सेवाकाल में किए गए अंशदान का ~~सूद~~ अदलन सूद के साथ गुजरान आज तक जिला भविष्य निधि पदाधिकारी, मल्हेपुरा द्वारा किया जाना है तथा अंतिम गुजरान से संबंधित प्रपत्र को परि० कार्य० पदा० कुमारकांड एवं विभागाध्यक्ष को अपना मनसुब के साथ जिला भविष्य पदा० मल्हेपुरा को उपलब्ध कराना है।

मैंने भविष्य निधि अंशदान राशि का सूद सांख्यिक गुजरान के लिए स समय संबंधित प्रपत्र में गार कर आवेदन करती हूँ निवेदन के साथ दिनांक 04.8.1999 को समाप्त कर प्राप्त प्राप्त कर ली थी।

अतः आग्रह करना है कि मेरे पति द्वारा सेवा अवधि में किए गए अंशदान का गुजरान अदलन सूद के साथ कलने लक्ष्मी निदेश संबंधित को भी जायें।

विश्राम गाडिका

मूल नं० 10

Am 2/1 15

To,  
The Project Executive Officer,  
Kumar Khand, Madhepura

Subject:- Representation for payment of amount of provident fund.

Sir,

I have to say that I am widow of Late Dhukhan Sah Duhit, who was posted on the post of Jan Sewak, Village Level Worker under the Project Executive Officer, Kumar Khand. During his service period, he died due to cardiac failure on 26-06-1999 leaving behind myself and one daughter. His provident fund A/c no. is Ag-26186, MDP/AGR-186. I had filed several representation before you for payment of the amount of provident fund along with interest after death of my husband but till now my case is still pending. I had personally several times contacted in your office for redressal of my grievances but except verbal assurance nothing has been given to me. That's why I am again filing this representation before you for redressal of my grievances in respect to payment of the due amount of provident fund and the interest amount on the whole of my late husband. For which I shall remains ever grateful to you.

Your's

Dated:- 15-08-2000

(Punam Devi)

W/o Late Dhukhan Sah Duhit

Ex- Jan Sewak,

Office of the Project Executive Officer,  
Kumar Khand, Madhepura.

Am-3

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To,

The District Provident Fund Officer,  
Madhepura

Subject:- Representation for payment of amount of provident fund.

Sir,

I have to say that I am widow of Late Dhukhan Sah Duhit, who was posted on the post of Jan Sewak, Village Level Worker under the Project Executive Officer, Kumar Khand. During his service period, he died due to cardiac failure on 26-06-1999 leaving behind myself and one daughter. His provident fund A/c no. is Ag-26186, MDP/AGR-186. I had filed several representation before you for payment of the amount of provident fund along with interest after death of my husband but till now my case is still pending. I had personally several times contacted in your office for redressal of my grievances but except verbal assurance nothing has been given to me. That's why I am again filing this representation before you for redressal of my grievances in respect to payment of the due amount of provident fund and the interest amount on the whole of my late husband. For which I shall