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22/10/13

In the High Court of Judicature at Patna.

(Miscellaneous Judicial Jurisdiction)

M.J.C.No. _____ of 2013.

(Arising out of C.W.J.C.No.9695 of 2009 disposed
of on 17.8.2009)

Shiv Nandan Yadav Petitioner

Versus

The State of Bihar and others..... Opposite Parties

Subject:-Modification Matter.

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In the High Court of Judicature at Patna.

(Miscellaneous Judicial Jurisdiction)

M.J.C.No. _____ of 2013.

(Arising out of C.W.J.C.No.9695 of 2009

Disposed of on 17.18.2009).

In the matter of an

application under Article

226 of the Constitution of

India.

And

In the matter of :-

Shiv Nandan Yadav Son of Late Garbhu Prasad Yadav,

Resident of Village-Belo, Police Station-Murliganj,

District-Madhepura.

..... Petitioner.

Versus

1. The State of Bihar.
2. The Director, Panchayati Raj Directorate,
Government of Bihar, Patna.
3. The District Magistrate, Madhepura.
4. The Block Development Officer, Madhepura.

..... Opposite Party.

To,

The Hon'ble Ms. Justice Rekha M. Doshi,
the Chief Justice of the High Court of
Judicature at Patna and her Companion
Justices of the said Hon'ble Court.

The humble petition on
behalf of the petitioner
abovenamed;

Most Respectfully Sheweth :-

1. That this is an application for

Modification of order dated 17.8.2009 passed
by Hon'ble Mr. Justice Shailesh Kumar Sinha in C.W.J.C.
No.9695 of 2009 to some extent.

A true copy of the order
dated 17.8.2009 is annexed
herewith and marked as Annexure
' 1 ' to this application.

2. That the petitioner filed aforesaid
writ petition i.e. C.W.J.C.No.9695 of 2009 before
Hon'ble Patna High Court for direction to the Respon-
dents for making payment of retirement benefit.
3. That vide order dated 17.8.2009 Hon'ble
High Court directed the petitioner to file a repre-
sentation before District Magistrate, Madhepura who
shall consider the grievance of the petitioner expedi-
tiously in accordance with law within four months of
receipt of representation.

4. That when no step has been taken by the authority concerned, the petitioner filed M.J.C. No.714 of 2010 before Hon'ble High Court, then during pendency of contempt petition District Magistrate, Madhepura by filing show cause took plea that Provident fund amount of Rs.98,128.00 has been paid to the petitioner vide Bill No.88 of 2009-10.

5. That it is submitted that the Respondent authority has not paid total provident fund amount to the petitioner.

6. That it is humbly submitted that when the petitioner was posted at Madhepura Block, then there was deduction made from 1980 to 1987 in the head of Provident fund, but the petitioner was not paid the Provident fund amount of period from 1980 to 1987 which is still pending before authority concern.

1987 to the petitioner alongwith
~~xxxxxx~~ statutory interest.

And/ Or

Pass such other order or orders
as your Lordships may deem fit and
proper.

And for this, the petitioner shall ever pray.

AFFIDAVIT.

I, Shiv Nandan Yadav, aged about 68 years, Son of Late Garbhu Prasad Yadav, Resident of Village-Belo, Police Station-Murliganj, District-Madhepura, do hereby solemnly affirm and state as follows:-

1. That I am Petitioner in this case and as such am well acquainted with the facts and circumstances of the case.
2. That the contents of this petition have been read over and explained to me in Hindi which I have fully understood the same and the statements of facts made therein are true to my knowledge and belief.
3. That the Annexure is true/photo stat copies of their respective original.

शिव नन्दन यादव

claims as also enclosing the copy of the relevant documents in support of his claims along with the certified copy of the present order within a period of four weeks, the respondent no.3 shall consider the grievances of the petitioner as raised in his representation and dispose it of in accordance with law expeditiously, preferably within a period of four months on receipt of such representation, so that the admitted retiral dues could be paid to the petitioner without further delay.

The writ application stands disposed of with the above observations/directions.

PNM

(Shallesh Kumar Sinha, J.)

DECLARED TO BE TRUE PHOTO COPY

For Joint ...

Patna ...

Subscribed U/s 76 ... of ...

Vijay Kumar Singh

Assistant

20.8.2009

20-8-2009

COPY

Annexure-1

IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.9695 of 2009

SHIV NANDAN YADAV, son of Late Garbhu Prasad
Yadav, resident of Village Belo, Police Station
Murliganj, District Madhepura.

-----Petitioner

Versus

1. The State Of Bihar.
2. The Director, Panchayati Raj Directorate,
Government of Bihar, Patna.
3. The District Magistrate, Madhepura.
4. Block Development Officer, Madhepura.

-----Respondents

For the Petitioner : M/S Uday Chand Prasad,
Binod Kumar Sinha &
Manoj Kumar, Advocates

For the State : G.P.IX

2. 17.8.2009

Heard the learned counsel for the petitioner and the
State.

The grievance of the petitioner is that despite
superannuating on 31st of March, 2007 on the post of Panchayat
Secretary under the Block Development Officer, Madhepura, no
retiral dues have been paid to him in spite of representing the matter
before the authorities concerned.

The learned counsel appearing for the respondent-
State submits that in case the petitioner files a fresh representation
stating the details of his claims, the same would be considered without
delay.

In the above circumstances, the learned counsel for the
petitioner submits that for expeditious disposal of the pending claims
as raised in this writ application, the petitioner proposes to file a fresh
representation before the District Magistrate, Madhepura (respondent
no.3). In case such a representation is filed stating the details of the

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BIHAR CIRCLE

COURT FEE

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7. That hence your Lordships may direct the concern authority to pay Provident fund amount of period from 1980 to 1987 alongwith statutory interest to the petitioner.

8. That the petitioner retired on 31.3.2007 from the post of Panchayat Secretary under Block Development Officer, Madhepura

9. That the petitioner is loosing a pecuniary economic loss due to non payment of afore-said amount.

It is, therefore, prayed that your Lordships may graciously be pleased to allow this modification petition to some extent and make direction to the Respondent authority concern for payment of Provident Fund amount of Period from 1980 to