

BIHAR HUMAN RIGHTS COMMISSION
9, Bailey Road, Patna – 15

File No **BHRC/COMP.** 2316/10

Case of **CHANDRIKA SINGH**

District Magistrate, Khagaria has submitted report, dated 20.3.2013, from which it appears that sum of Rs.899 has been paid to the applicant as provident fund dues of his father late Chandrika Singh.

In the ordinary course the Commission would have closed the file but considering the inordinate delay in making the payment, the Commission is not inclined to do so. Chandrika Singh, the applicant's father – a night guard in the office of SDO Khagaria – retired from service in January 1975. His PF dues however remained unpaid. He died in the year 1983. As per the complaint, after his death, the applicant started pursuing the claim but without any result. Finally, he approached this Commission in August 2010 seeking its intervention in the matter.

The Commission called for report from District Magistrate but despite four notices/reminders the District Magistrate did not submit any report. In the circumstances, the matter was fixed for hearing but the District Magistrate chose to ignore the summons forcing the Commission to observe vide order dated 25.2.2013 that in the event of non-appearance on the next date viz. 13.3.2013, the matter may be reported to the Ministry of Personnel & Training, Government of India. Copy of the order was also sent to Chief Secretary, Government of Bihar. It was only then that the District Magistrate deputed Addl. Collector Sri Mustaf Hafizur Rahman to appear on his behalf for hearing on 13.3.2013.

Question arises as to whether it would be appropriate to silently close the file simply because PF dues have now been paid. As indicated in the order dated 13.3.2013, justice demands that the family be paid monetary compensation and, further, suitable action be taken against the official(s) responsible for the delay.

In his report dated 20.3.2013 the District Magistrate has mentioned that direction has been issued to SDO Khagaria to take action against the persons responsible for delay. The Commission is inclined to think that culprits, among others, may be successive District Magistrates themselves who did not pay heed to repeated representations – copies of some of which have been enclosed with the complaint. In any case, it is doubtful if the real culprits can be identified at this point of time. Be that as it may, the Commission is of the view that apart from administrative action which may or may not, finally, be taken, compensation

should be paid. In the facts and circumstances, a token compensation of rupees five thousand would be just and proper.

If possible, the amount may be recovered from the salary of the officers responsible. The Commission would leave it to the good conscience of the District Magistrate.

The Commission accordingly directs District Magistrate, Khagaria to pay compensation of rupees five thousand (over and above the amount of Rs.899 already paid) with liberty to recover the same from the salary of the officials responsible for delay.

The Commission would expect compliance report within six weeks.

Put up in the third week of May 2013.

Copy of this order may be sent to District Magistrate, Khagaria.

Copy may also be sent to the applicant.

Date: 04.04.2013

Justice S.N. Jha
Chairperson