IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4088 of 2015

==

Kaushal Yadav, son of late Mool Yadav, resident of village Dulhin Bazar, P.O.- Dulhin Bazar, P.S. - Dulhin Bazar, District -Patna.

.... Petitioner

Versus

1. The State of Bihar, through the Secretary, Primary Education Department, Vikash Bhawan, Bailey Road, Patna.
2. The Director, Primary Education, Education Department, Vikash Bhawan Secretariat, Bailey Road, Patna.
3. The Director, Diretorate General, Provident Fund, Pant Bhawan, Bailey Road, Patna.
4. The Collector, Patna, District - Patna.
5. The District Provident Fund Officer, Patna, District - Patna.
6. The District Programme Officer (Establishment), Patna, District - Patna.
7. The Drawing & Disbursing Officer, Middle School, Selhauri, Dulhin Bazar (Patna).
8. The Treasury Officer, Danapur, District - Patna.
9. The Project in - charge, T.C.S. Finance Department, Bihar, Patna.

.... Respondents

==

Appearance :

For the Petitioner/s : Mr. Ghanshyam Sharma

For the Respondent/s : Mr. Aag4- J.P. Karn

==

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

3 07-05-2015 Heard learned counsel for the parties.

Pursuant to an earlier order of this Court dated 24.3.2015 a counter affidavit has been filed on behalf of respondent no.6, wherein it has been stated that the petitioner himself had filed the application for final withdrawal of provident fund accumulation on 24.4.2013 and therefore, he cannot claim interest on accumulation of GPF prior to this period.

Learned counsel for the petitioner, in reply, has invited attention to the statement made in paragraph no.8(iii) of this application which reads as follows:

> "8(iii) Interest for the Gap period i.e. February 2011 to July 2013. In this regard, the petitioner is entitled for the statutory interest for the gap period February 2011 to July 2013 to till the date of its payment as mentioned in the relevant part of sub clause (vi) of Clause 3 of the Government circular dated 12.2.2012 and similar case as order dated 13.5.2013 passed in C.W.J.C.No. 4668 of 2006."

Additionally, the petitioner has also sought to rely on a statement of deduction of the provident fund of the petitioner dated 8.1.2013 to contend that such statement having been furnished to the petitioner in the month of January, 2013 he could not have filed his application for final withdrawal prior to that date.

In the considered opinion of this Court the prayer for payment of interest of the petitioner on the amount of G.P.F. has to be decided as per provision made in the G.P.F. Rules. The Rules itself provide that a subscriber after retirement for final withdrawal will have to file an application. Such provision of Rule 371 of G.P.F. Rules in fact was also considered by the Division Bench of this Court and was held to be intra vires. Thus, following the ratio of the Division Bench this Court will have no difficulty in holding that the petitioner cannot be entitled for payment of any interest prior to the date of his filing of the application for final withdrawal. The calculation of payment of interest having been made by the Provident Fund Officer on the basis of final application for withdrawal form filed by the petitioner, therefore, does not suffer from any error.

Resultantly, it has to be held that the prayer of the petitioner for payment of interest is wholly misconceived and this writ application is, accordingly, dismissed.

(Mihir Kumar Jha, J)

surendra/-

U			