

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17109 of 2011

- =====
1. Sona Devi aged about 65 years Wife of Late Tarekeshwar Prasad Singh.
 2. Bhanu Kumar aged about 33 years Son of Late Tarekeshwar Prasad Singh.
 3. Pawan Kumar aged about 30 years Son of Late Tarekeshwar Prasad Singh.
- All are resident of Village -Bakhtiyarpur, P.S.-Bakhtiyarpur , District-Patna.
- Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department having his office at Vakas Bhawan, Police Station – Sachivalaya, Patna.
2. The Director, Secondary Education having his office at Vikas Bhawan, P.S.- Sachivalaya, Patna.
3. The Director, State Council of Education, Research and Training having his office at Mahendru, P.S.-Sultanganj, Patna-6.
4. The District Provident Fund Officer, Patna having his office at Vikas Bhawan, Collectorate Compound, P.S.-Pirbahore, District-Patna.
5. The Accountant General, Bihar, Patna having his office at Birchand Patel Path, P.S.-Kotwali, District-Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 26-11-2015

Heard learned counsel for the parties.

It appears that except there being some confusion as to whether the G.P.F. amount deducted from the salary of the original writ petitioner has been taken note of and paid to him upon his superannuation, the other retiral benefits have been paid.

Learned counsel for the petitioners submits that the pension has been paid only in the year 2013 though original writ petitioner has retired in the year 2003 and also applied in the required statutory form and for the first time in the year 2013 the



authority has sent back the papers for making correction and thus the authority has sat over the matter for ten years when the original petitioner having no role for such delay, being unaware of any defect, is entitled to interest. Learned counsel for the petitioners has referred to Annexure-F of the counter affidavit filed on behalf of the respondent no. 3 which is copy of letter written by the petitioner to the respondent no. 3 in which it has been stated that pursuant to his letter of July, 2013 enclosing the pension papers, the same were being returned after making such corrections and the same was done on 13.08.2013 which was received in the office on 16.08.2013. That being the position, relying on a decision of the Hon'ble Supreme Court in the case of **D. D. Tewari v. Uttar Haryana Bijli Vitran Nigam Ltd.** reported in **(2014) 8 SCC 894**, the Court holds that the petitioners shall be entitled to 9% simple interest on the remaining portion of the pension of the original petitioner from the time it became due till the time it was actually paid. The same shall be paid within one month from the date of production of a copy of this order before respondent no. 3.

As far as there being some error with regard to calculation of the G.P.F., since the petitioner had entered in the service in the year 1964 and from the materials brought on record it appears that payment has been made for the period starting from 1975, the petitioners shall have liberty to file an appropriate representation before the respondents no. 3 and 4 within one

month from today along with a copy of this order. If the same is done, the concerned respondents shall look into the matter and pass appropriate orders within the next three weeks. If any amount is found payable to the petitioners, the same shall also be paid to them within three weeks thereafter.

Accordingly, the writ application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

Anand Kr.

U		T	
---	--	---	--