IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2046 of 2011

==

Ayodhya Prasad S/o Late Budhya Mahto R/o Vill. –Sasour, P.O. –Chero, P.S.-Sarmera, Dist.- Nalanda at present Mini L.I.C. Colony, P.O. Chitragupta Nagar, District-Patna.

.... Petitioner

Versus

1. The State of Bihar
2. Smt. Manju Prasad, Sub Divisional Officer, Hathua, District- Gopalganj
3. Accountant General, Bihar, Patna
4. Treasury Officer, Patna
5. District Provident Fund Officer, Goplalganj.

.... Opposite Parties

==

Appearance :
For the Petitioner/s : Mr. RAM JANAM PRASAD
For the Respondent/s : Mr. J.S. ARORA SC6

==

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 05-05-2015

Heard learned counsel for the petitioner and the learned counsel for the State.

The dispute is only with respect to amount of G.P.F. As per the claim made by the petitioner in Annexure-3 is the record issued from the office of the Accountant General, Bihar opening balance of the petitioner in the year 1970-71 has been shown Rs. 1068/- in supplementary show cause, the records has been shown by the District Provident Fund Office showing the balance opening account for the year 1976-77 with Rs. 1410/-. The counsel for the petitioner creates incongruent situation, the counsel for the State assisted by District Provident Officer, has explained Annexure-3, the Provident Fund Slip of particular year. The petitioner might have taken some loan, which may be cause of decrease of amount so much so, the original record that has been received from the office of the Accountant General shows that the balance was Rs. 1410/- and that being basis of opening account for the G.P.F. of the petitioner from 1976-77. The counsel for the petitioner further submits that the District Provident Fund Office started his functioning from the year 1986 and the record has been maintained by the office, cannot be said to be a manipulated documents. The original record maintained by the office of Provident Fund has been brought before this Court for perusal, does not find the document is tampered document.

The record maintained by the Accountant General Office showing the balance amount become the opening account in the office of District Provident Fund. The petitioner cannot raise a grievance on the basis of slip Annexure-E, of particular year maintained in the office of the Accountant General. Now the complaint as raised is not sustainable in the eye of law. Accordingly, grievance raised has no leg to stand. So far the interest part, G.P.F. is the amount of the employee deducted from his salary. Plea has been taken that the Circular, which limits granting of interest will have to give way to the Interest Act, which provides that even if there is no provision for any interest, petitioner will be entitled to interest for period the amount remained in possession of the State. The G.P.F. is accumulated amount of money deducted from the salary of the petitioner and as such, this Court is of the view that the petitioner is also entitled to interest upto the period, money of petitioner remained with the State. The State is directed to calculate the amount of interest for the period petitioner has been deprived of interest, with this observation and direction this petition is partly allowed and partly disposed off.

Sofar the interest for gratuity, leave salary, pension, the Counsel for the petitioner submits that he will raise his grievance before the competent authority.

(Shivaji Pandey, J.)

Vats/-

U			