

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18935 of 2008

Along with
Interlocutory Application No. 652 of 2015

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Afsana Khatoon Wife of Late Md. Gulam Kamruddin, Resident of Mohalla
Dahiyawan, Police Station- Chapra Town, District- Chapra.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector-cum-District Registrar, District Registry Office, Chapra.
3. The District Sub-Registrar, District Registry Office, Chapra.
4. The Provident Fund Officer, Chapra.
5. The Treasury Officer, Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyan Prakash, Adv.
Mr. Sharwan Kumar, Adv.

For the Respondent/s : AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

5. 23.01.2015

Interlocutory Application No. 652 of 2015

Heard learned counsel for the parties.

The Interlocutory Application has been filed for
waiving of Rs. 2000/- imposed on respondents no. 2 and 3 by
the Court under order dated 07.01.2015.

The background in which the cost was imposed
on the State has been detailed in the order dated 07.01.2015
which is reproduced below:-

“In view of the aforesaid, the
application being of the year 2008, the
husband of the petitioner having died in
2006 and the order of the Court for filing
counter affidavit being of the year 2011,
the Court is left with no option but to
impose cost of Rs. 2,000/- to be
deposited with the Patna High Court
Legal Services Committee latest by 23rd
January, 2015, when the case shall be
listed under the heading ‘For Orders’.”

In view of the aforesaid, this Court does not find any ground for recalling or modifying the aforesaid order imposing cost of Rs. 2000/-.

Accordingly, Interlocutory Application No. 652 of 2015 stands rejected.

Counter affidavit has also been filed in the present case on behalf of respondent no. 4 on 13.01.2010 and respondents no. 2 and 3 on 22.01.2015. In the counter affidavit filed by respondent no. 4, categorical statement has been made at paragraph no. 12 that entire amount of G.P.F. has been paid to the petitioner. However, in the counter affidavit filed on behalf of respondents no. 2 and 3, it has been accepted that Rs. 48,394/- on account of G.P.F. still remains unpaid till the year 2006-07 i.e., much prior to the affidavit filed by respondent no. 4 in the year 2010. It has further been submitted by learned counsel for the State that up-to-date interest till 31st January, 2015 has been calculated which comes to Rs. 96,605/- and the same has been sent to the District Sub Registrar, Saran for payment and the same shall be deposited in the account of the petitioner on 2nd February, 2015 as the interest has been calculated till 31st January, 2015. Let the same be so done.

Learned counsel for the petitioner has submitted that earlier also when the petitioner had filed C.W.J.C. No. 5257 of 2003 seeking payment of G.P.F., the amount was recalculated and Rs. 69,014/- was paid and the stand was that up-to-date payment had been made. In view of

the fact that in the present case initially the stand was that the entire payment had already been made but subsequently it has been admitted that about Rs. 1,00,000/- still remains unpaid, which is now going to be paid, it is clear that the petitioner has been harassed and unfairly been made to approach the Court repeatedly.

In view of the aforesaid, relying upon the order passed by the Hon'ble Supreme Court in the case of **D.D. Tewari v. Uttar Haryana Bijli Vitran Nigam Limited** reported in **(2014) 8 Supreme Court Case 894**, the Court directs payment of 9% simple interest on the unpaid amount from the date of entitlement till the date of payment, within six weeks, from the date of receipt/production of a copy of this order by the respondents no. 3 and 4, failing which the rate of interest shall be 18% simple interest per annum. The petitioner shall also be supplied with the calculation chart relating to such payment of interest.

The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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