IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1188 of 2014
In
Civil Writ Jurisdiction Case No. 20904 of 2012

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1. The State of Bihar through the Director, Human Resource Development Department, Government of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna
3. The Accountant General, Bihar, Patna
4. The District Account Officer, Gopalganj.
5. The District Programme Officer, Gopalganj.
6. The District Provident Fund Officer, Gopalganj.
7. The District Treasury Officer, Gopalganj.

.... Appellant/s

Versus

1. Sunil Kumar Verma S/o Raghunath Prasad Sah Resident of Village : - Usari, P.S. - Baikunthpur, District - Gopalganj.

.... Respondent/s

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Appearance :
For the Appellant/s : Mr. Gautam Bose, AAG-8
With Mr. Rohit Mishra
For the Respondent/s : Mr. Naresh Prasad

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CORAM: HONOURABLE MR. JUSTICE I.A. ANSARI
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER
(Per: HONOURABLE MR. JUSTICE I.A.ANSARI)

5 13-01-2015 1. Heard Mr. Gautam Bose, learned Additional Advocate General No.8 appearing on behalf of the appellants and Mr. Naresh Prasad, learned counsel appearing on behalf of the Respondent.

2. The present intra Court appeal is against order, dated 02.01.2003, passed by the learned Single Judge in CWJC No. 20904 of 2012 (Sunil Kumar Verma Vs. State of Bihar & ors.).

3. The facts are not in dispute.

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4. The petitioner was a Teacher in a taken over School. As per the State Government decision, the teachers of taken over Schools were required to be paid full remuneration with effect from 01.04.1973. The resolution No. 763, dated 09.02.1973, to this effect further contemplated that arrears of salary, for the period 01.01.1971 to 30.01.1973 of the teachers of such schools, which remained unpaid, would be deposited in their respective G.P.F. Accounts. This is also not in dispute that the said amount of arrears of salary was not deposited in the G.P.F. Account of the petitioner rather the same was deposited in the post office. The amount, thus, earned interest at the rate of 6% per annum prevalent in the post office. The learned Single Judge, vide order under appeal dated 02.01.2013, has directed the District Provident Fund Officer, Gopalganj, to pay interest to the petitioner on the said amount, which it would have been earned, had it been deposited in the G.P.F. Account. The District Provident Fund Officer, , by the said order, has been directed to calculate the amount of interest accordingly and pay to him the interest accordingly within a period of one month.

5. Learned Additional Advocate General No.8, appearing on behalf of the appellant-State of Bihar, contends that the amount was deposited in the postal account instead of G.P.F.account,

which earned interest at the rate of 6% per annum and, therefore, the learned single Judge erred in directing payment of interest, which the said amount would have earned, had the money been deposited in the G.P.F. account. In support of his submission, he has referred to the order dated 7.2.2003 passed in LPA No. 794 of 2002 by a Division Bench of this Court. In our opinion, the order dated 7.2.2003, passed in LPA No. 794 of 2002 (State of Bihar and others Vs. Prathmik Shikshak Sangh, Gopalganj) doest not support the submissions made on behalf of the appellants-State of Bihar. The Division Bench, in the said order, has held that statutory interest would be payable in case of delayed payment of G.P.F. amount. and the retired teachers would not be entitled to anything more than statutory interest as permissible in law.

6. We do not find any reason to interfere with the order under appeal passed by the learned Single Judge. The appeal is accordingly dismissed. The time for compliance of the order, under appeal, dated 02.01.2013, is extended by a period of two months from today.

7. There shall be no order as to costs.

(I. A. Ansari, J)

(Chakradhari Sharan Singh, J)

ArunKumar/-

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