

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17753 of 2008

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Rajendra Prasad S/o Late Kameshwar Prasad, resident of Co-operative Colony, P.S. Fatwah, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Irrigation Department, Government of Bihar, Patna.
3. The Principal Secretary, Minor Irrigation Department, Government of Bihar, Patna.
4. The Director Directorate of Provident Fund, Pant Bhawan, Bailey Road, Patna.
5. The Superintending Engineer, Minor Irrigation Department, Darbhanga, Circle, Darbhanga.
6. The Executive Engineer, Minor Irrigation Department, Madhubani.
7. The Executive Engineer, Flood Control Division No. 1, Khagaria.
8. The District Providence Fund Officer, Madhubani.
9. The District Providence Fund Officer, Khagaria.
10. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate.

For the Respondent-State : Mr. Uma Shankar, Advocate.
Mr. Karandeep Kumar, A.C. to G.P. 4.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

9. 17.08.2015

Learned counsel for the parties are present.

Pursuant to order dated 13.08.2015, the District Provident Fund Officer, Madhubani is present in Court. A supplementary counter affidavit has also been filed on his behalf on 14th August, 2015. In the same it appears that though actual payment of interest on the GPF has been made till 30.06.2008 but in the forwarding letter it has been clearly written that an amount of Rs. 31516/- representing the entire interest calculated thereon upto 31st July, 2015.

The Court wanted the matter to be clarified but

the District Provident Fund Officer, Madhubani was unable to explain. For the said purpose Incharge Head Clerk Mr. Hrideyanarayan Thakur, when called to explain submitted that the letter is normally issued showing interest of the end of the preceding months but has no answer as to why wrongly it had been shown in the forwarding letter that interest has been paid only till the end of June, 2008.

Learned counsel for the petitioner submits that the issue now boils down to the fact as to whether the petitioner is entitled to payment of interest on GPF from the date it became due till actual payment or only for six months as has been done by the respondents. He submits that the matter has been considered by a Bench of this Court in the case of **Smt. Sunarika Devi vs. State of Bihar** reported in **2015(1) PLJR 888**, in which it has been directed to pay gratuity with up-to-date interest till the time of payment.

Upon considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that the petitioner who retired on 31.12.2007 would be paid interest only for the period of six months from the date of retirement has neither been stated in the supplementary affidavit filed on behalf of respondent no. 8 nor is reflected from any of the copies of the annexures appended thereto. There was a categorical statement in the writ petition that the petitioner had filed a representation before the District Provident Fund Officer, Madhubani as well as District Provident Fund Officer, Khagaria on 11.08.2008 and



07.05.2008 respectively. There is no denial on the part of the respondents of not having received the said representation. The records available with the officers in Court clearly disclose that all the relevant forms required to be filled up by the petitioner were submitted on 19.03.2008 i.e., within three months of his retirement. Thus whatever formalities were required was to be done on the part of the respondents in which the petitioner had absolutely no role. Even if the Court accepts that there may have been some left formalities, the onus was then on the respondents to either ensure that the same were rectified by the petitioner or intimated to him for getting the said formalities completed. Thus, the petitioner is clearly entitled to payment of statutory interest on G.P.F. till the time of actual payment beyond six months. The view taken by the Court is supported by the decisions of this Court in the case of **State of Bihar vs. Ram Pavitra Singh** reported in **2010(3) PLJR 906** and **Ram Gulam vs. State of Bihar (Full Bench)** reported in **2015(1) PLJR 568**.

Learned counsel for the State as well as the Officer present and the Incharge Head Clerk also do not dispute the fact that the settled law clearly stipulates up-to-date payment of interest till the date of actual payment. As the concerned had wrongly assisted the Court earlier, the Court was inclined to initiate action against them but refrains from doing so in view of them having filed separate show cause in which they have tendered unqualified apology and have stated that because of confusion and misconception they could not

properly assist the Court in the matter. They have further undertaken that the petitioner shall be paid interest till July, 2015 and for the part payment made earlier on 15.07.2009, the interest till June, 2009 shall be paid, within one week, as has been stated in the show cause. The Court grants them further one week indulgence.

Accordingly, let the same be done within two weeks from today. The amount shall be credited in the account of the petitioner.

The application stands disposed off in the aforementioned terms.

The appearance of the concerned stands dispensed with.

(Ahsanuddin Amanullah, J.)

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