

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14944 of 2014

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Elizabeth Topno aged about 63 years Wife of Sri Poly Carp Zozo, resident of Kothia Vikas Nagar, Kurji, Road No. 7, Police Station Digha, District-Patna

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Vishwesharaiya Bhawan, Patna
2. The Principal Secretary, Finance Department, Old Secretariat, Patna
3. The Director, General Provident Fund Directorate, Pant Bhawan, Bailey Road, Patna
4. The Assistant Commissioner, General Provident Fund Directorate, Pant Bhawan, Bailey Road, Patna
5. The Under Secretary, Road Construction Department, Vishwesharaiya Bhawan, Patna
6. The Treasury Officer, Secretariat Treasury, Nirman Bhawan, Bailey Road, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rupak Kumar

For the Respondent/s : AC to SC - 9

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 30-01-2016 Learned counsel for the petitioner submits that a typographical error has occurred in paragraph – 1 of the writ petition. He submits that in paragraph – 1, instead of mentioning “May, 2014”, it has incorrectly been typed as “May, 2004”. He is permitted to make correction in course of the day.

Heard Sri Rupak Kumar, learned counsel for the petitioner and learned A.C. to Standing Counsel – 9.

In the present writ petition, it has been prayed for directing the respondents to pay statutory and penal interest on the

accumulated General Provident Fund (G.P.F.) amount to the petitioner from June, 2013 to May, 2014.

It was submitted by learned counsel for the petitioner that the petitioner retired on 29-02-2012 as Head Typist from Road Construction Department, Bihar, Patna. In respect of G.P.F. amount, authorization was issued belatedly, vide **Annexure – 5** to the writ petition i.e. on 13-06-2013, whereby total amount of **Rs. 6,43,304/-** was authorized under the head of G.P.F. It was submitted by learned counsel for the petitioner that in authorization letter, name of petitioner was incorrectly typed as “Smt. Iliyaz Topno” instead of “Smt. Elizabeth Topno”. Due to said error, the petitioner immediately did not get the amount, as per authorization of the Directorate of G.P.F. Immediately thereafter, she represented and only then request was made by the Road Construction Department to the Assistant Commissioner Provident Fund Directorate for correcting the authorization in respect of name of the petitioner.

Learned counsel for the petitioner, by way of referring to **Annexure – 11** to the writ petition i.e. photocopy of the extract of the pass-book has drawn attention of this Court that subsequently the authorized amount, as was authorized vide **Annexure – 5** to the writ petition i.e. Rs. 6,43,304/- was credited to

the account of the petitioner on 26-05-2014. It has been argued that without any fault of the petitioner, the petitioner had suffered loss of interest for the period during which error of name of the petitioner was in existence. Accordingly, a prayer has been made for directing the respondents to pay the statutory amount for the period i.e. from June, 2013 to May, 2014.

Learned A.C. to Standing Counsel – 9 has opposed the prayer.

In this case, ofcourse counter affidavit has been filed on behalf of respondent no. 3, but the claim of the petitioner that error had occurred in respect of name of the petitioner in authorization letter has not been disputed nor it has been disputed regarding date of credit of the amount of the G.P.F. as authorized, vide **Annexure – 5**.

After hearing the parties and considering the facts and circumstances, the Court is of the opinion that the petitioner is certainly entitled to get statutory interest on the amount for the period i.e. from June, 2013 to the date on which the amount of G.P.F. was credited to the account of the petitioner i.e. 26-05-2014.

Accordingly, the writ petition stands allowed with a direction to respondent no. 3 & 4 to calculate the statutory interest

over the G.P.F. amount of the petitioner i.e. **Rs. 6,43,304/-** for the period in between June, 2013 and May, 2014 and after calculating the statutory interest on the aforesaid amount, must be credited to the account of the petitioner within a period of six weeks from the date of receipt/production of a copy of this order.

The writ petition stands allowed.

(Rakesh Kumar, J.)

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