

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12401 of 2015**

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Rita Sinha W/o Late Akhileshwar Prasad, Resident of Sushila Kunj,  
Yaduvansh Path, Road No.-3, House No.-10 A, Boring Road, P.S.- Sri  
Krishnapuri, District- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Government of Bihar,  
Patna.
2. The Accountant General, Bihar, Patna.
3. The District Magistrate, Gaya, District- Gaya.
4. The District Provident Fund Officer, Gaya.
5. The District Treasury Officer, Gaya.
6. The Circle Officer, Wajirganj, District Gaya

.... .... Respondent/s

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**Appearance :**

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|----------------------|---|----------------------------------------------------|
| For the Petitioner/s | : | Mr. Sanjeev Nikesh<br>Mr. J.P.Sharma, Advocates    |
| For the State        | : | Mr. Rajiv Roy GP-1<br>Mr. Suresh Kumar, AC to GP-1 |
| For Acct. General    | : | Mr. S.M.Ehtesham, Advocate                         |

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**CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA**  
**ORAL ORDER**

2      22-10-2016                      Heard learned counsel for the petitioner and  
  
learned counsel for the State.

The only relief sought by the petitioner is for  
payment of the GPF amount lying in the Account of the husband  
of the petitioner who died during his service on 17.11.1997  
while working as Revenue Karmchari in the office of Circle  
Officer, Wazirganj District- Gaya.

It is stated that the husband of the petitioner was  
appointed as Amin on 6<sup>th</sup> December, 1975 in the Consolidation



Department at Maulabad, Bhojpur at Ara and subsequently transferred to several places. Thereafter from October 1994, after the merger of the Department, the husband of the petitioner was posted as Revenue Karmchari at Wazirganj Circle Office in Gaya District. During the period of his service her husband died on 17.11.1997. It is further submitted that the Circle Officer, Wajirganj, Gaya by his letter dated 31.12.2010 submitted details of GPF amount during his posting at Wajirganj Circle Office to the District Provident Fund Officer, Gaya and the petitioner also filed several representations thereafter including two registered letters dated 19.9.2011 enclosing details but no payment has been made.

Learned counsel for the State submits that there is nothing in the writ application to show that the petitioner had applied in the prescribed application form for withdrawal of the GPF amount and thus for the said reason the same may not have been paid.

From a perusal of the Bihar GPF Rules it appears that in Rule 32(3), it is provided that any person who desires to claim payment under this rule, shall send a written application in that behalf but there is no mention in the Rule per se regarding sending of application in a prescribed form only. Thus, in my



view if an application for final withdrawal is made then the petitioner would be entitled to receive payment with interest at least from the date when such an application is made. If at all the form is required to be filled up then it would be the duty of the Head of the Department concerned in the case of non-gazetted Government servant to see to it. What is provided in the form of application for final withdrawal of the GPF, which does not appear to be statutory form that in such a case the head of the office has to fill up the columns 1 to 8 of the form of the application and forward it to the head of the Department. Thus, the letter dated 31.12.2010 sent by the Circle Officer, Wajirganj, Gaya to the District Provident Fund Officer has to be treated as the application form for final withdrawal of the GPF. If any further form is to be filled up, which is a non-statutory form, then the Circle Officer should see that the form is filled up and sent to the District Provident Fund Officer.

Let the aforesaid be done within a period of one month from the date of receipt/production of a copy of this order. Once the duly filled up form is received by the District Provident Fund Officer, Gaya then he shall ensure that the entire deductions of the petitioner since his joining in service i.e. 6.12.1975 are taken into consideration and the final GPF amount



along with interest for six months for the earlier period and statutory interest after the filing of the application on 31.12.2010 for the entire period after 31.12.2010 till the date of payment are paid to the petitioner within a further period of three months thereafter. The District Provident Fund Officer must ensure that the details of subscriptions are collected by him from all the offices where the husband of the petitioner was posted and further ensure that the amount is paid within the aforesaid period.

With the aforesaid observations and directions, the writ application is allowed.

**(Ramesh Kumar Datta, J)**

S.Pandey/-

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