IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17010 of 2012

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Bramhdeo Prasad S/O Late Hari Mahto R/O Mohalla-Deep Nagar (Banda Kari), P.O.+ P.S.-Deep Nagar, Distt-Nalanda, Retired Assistant Superintendent , Physical Education , Hilsa , Nalanda.

.... Petitioner

Versus

1. 1. The Union of India through the Secretary, Ministry Of Human Resources Development Government Of India, New Delhi
2. The Pay and Account Officer, Ministry of Human Resources Development Government of India, New Delhi
3. The State of Bihar through the Secretary Art, Culture and Youth Department Vikash Bhawan, Patna
4. The Director, (Youth-Welfare) Art, Culture And Youth Department Vikash Bhawan, Patna
5. The Directorate Provident Fund Bihar, Patna
6. The District Provident Fund Officer, Nalanda
7. The Accountant General Bihar, Patna
8. The Accountant General , U.P. Allahabad

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Bankey Bihari Singh, Advocate
For respondents no. 1 &2: Mr. Awadesh Kumar Pandey, SCGC
Mr. Ravindra Kumar Sharma, CGC
For respondents no. 3 to 6: Mr. Ashish Kumar Lal, AC to GA-5
For respondent no. 7 : Mr. Nivedita Nirvikar, Advocate
For respondent no. 8 : Mr. Kinkar Chobey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 22-12-2016

The instant writ application has been filed for quashing Letter No. 1017/ Nalanda dated 31.03.2012 passed by the District Provident Fund Officer, Nalanda as contained in Annexure-11 to the present writ petition and further seeking a direction upon the respondents to pay GPF amount with statutory rate of interest deposited with Accountant General, Uttar Pradesh, Allahabad while he was working in Uttar Pradesh as well as a direction upon the respondents to calculate and pay the full amount of GPF deposited with Accountant General, Bihar with statutory rate of interest.

2. The facts of the case are not in dispute.

3. The petitioner was initially appointed as National Discipline Scheme Instructor under Government of India, Ministry of Education and posted in Uttar Pradesh. After ten years of service, he was absorbed as Physical Education Teacher under the State of Bihar. He retired on attaining the age of superannuation with effect from 30.09.2001.

4. At the outset, it has been submitted by the learned counsel appearing on behalf of respondents no. 5 and 6 that the total GPF amount deposited with Accountant General, Bihar, Patna since 1973 till the date of superannuation of the petitioner has already been authorized vide authority letters bearing no. 659 dated 15.11.2002 amounting to Rs.4,18,867/- and letter no. 57 dated 04.02.2009 amounting to Rs.9,675/- along with upto date rate of

interest thereon as per GPF Rule and the total GPF amount deposited with Accountant General, Bihar, Patna has already been received by the petitioner.

5. In reply to the aforesaid contention of the learned counsel for respondents no. 5 and 6, learned counsel for the petitioner has submitted that though the petitioner has received the aforesaid amount under the head of GPF, he has not been paid interest for the period April 2002 to October, 2002.

6. Countering the submission of learned counsel for the petitioner, learned counsel for respondents no. 5 and 6 has submitted that due to non-submission of Final Withdrawal Form within six months from the date of his retirement, interest was not paid to the petitioner for the period April 2002 to October, 2002. He has further submitted that it would be apparent from perusal of the Final Withdrawal Form submitted by the petitioner that the same was submitted on 21.10.2002.

7. I have heard learned counsel for the parties and perused the record.

8. The writ application deserves to be dismissed for the simple reason that though the petitioner retired from service on 30.09.2001, the claim in respect of payment of GPF amount deposited with Accountant General, Uttar Pradesh, Allahabad has

been raised for the first time in 2012 by filing the instant writ application. The other ground for dismissal of the writ application is that there is no averment in application that the amount deposited in the General Provident Fund Account of the petitioner with the Accountant General, Uttar Pradesh, Allahabad was ever transferred to the General Provident Fund Account of the petitioner opened in the State of Bihar after absorption of his service under the State of Bihar.

9. The petitioner joined the service in the State of Bihar in 1973. He never bothered to examine whether or not the amount deposited with Accountant General, Uttar Pradesh, Allahabad while he was working in Uttar Pradesh was transferred to his account maintained by the Accountant General, Bihar. Even after his retirement, he sat tight over the matter for over a decade before filing the instant writ petition. This Court upon examination of Annexure-C to the counter-affidavit finds substance in the argument of the State that the Final Withdrawal Form of GPF was submitted by the petitioner on 21.10.2002 which certainly beyond the period of six months from the date of his retirement. Under such circumstance, I do not find any error in the action of the respondents whereby the petitioner has been denied payment of interest for the period April, 2002 to October, 2002.

10. In that view of the matter, though Limitation Act, 1963 does not apply in writ jurisdiction, this Court desists itself from exercising its extraordinary discretionary jurisdiction conferred under Article 226 of the Constitution of India, as the petitioner has failed to give any explanation for the inordinate delay in approaching this Court for redressal of his grievances. Accordingly, the writ application is dismissed.

11. However, this order would not preclude the petitioner from approaching the Accountant General, Uttar Pradesh, Allahabad for payment of his unpaid GPF amount.

(Ashwani Kumar Singh, J.)

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AFR/NAFR	NAFR
CAV DATE	…
Uploading Date	07.01.2017
Transmission Date	