IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8979 of 2014

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1. Ram Shankar Pathak son of late Shardanand Pathak resident of village - Mahabalipur, P.O. Mahabalipur, P.S. Pali, District - Patna, PIN Code 801110

.... Petitioner/s

Versus

1. The State of Bihar, through the Commissioner - Cum - Secretary, Higher Secondary Department, Government of Bihar, Vikas Bhawan Secretariat, Patna
2. The Director, Provident Fund, Provident Fund Directorate, Pant Bhawan, Bailey Road, Patna
3. The District Provident Fund Officer, Jehanabad
4. The Collector, Jehanabad, District - Jehanabad
5. The Headmaster, G.A. High School, Arwal, District - Arwal
6. The Headmaster, Korium (Arwal)
7. The Treasury Officer, Arwal

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Ghanshyam Sharma
For the Respondent/s : Mr. P.K.Singh SC-12

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 05-02-2016 Heard Mr. Sharma in support of the application and AC to SC-12 for the State.

A counter affidavit is filed on behalf of the respondent no.3. No rejoinder thereto has been filed by the petitioner.

The grievance raised through this application is that although the respondents upon superannuation of the petitioner as Assistant Teacher from High School authorized the GPF amount but the interest thereof was not properly calculated.

The writ application, therefore, seeks a direction upon the respondents to make payment of the remaining amount of GPF with 12.5 % interest per annum.

The respondents have stated as under in para-6:-

> “6.That with regard to the statement made in this paragraph-3 it is stated that higher rate of interest at the rate of 12.50% was taken into account upto 1998-99 except in the year 1990-1991 as the subscription was less than 12.50% in arrear amount of pay from March 1989 to December 1989.
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> The amount of G.P.F., was not with hold as such the statement made is not acceptable on receipt of application for final withdrawal of G.P.F. accumulations along with balance upto 1985-86 as well as certified statement from 1986-87 to last deduction, the account was complied taken into account the balance upto 1985-86 and credits and debits from 1986-87 to last deduction with interest accrued thereon an amount of Rs. 6,08,034/- was authorized vide letter of authority no.57 dated 22.2.2008 and no any amount was left for authorization”

The claim of payment of 12.5% interest for certain period has been disputed contending that the subscription of the employee was less than 12.5% for the year 1990-91. The amount of GPF as per calculation has already been authorized. Although the learned counsel for the petitioner tried to make submission that there is discrepancy in the payment of interest as per the calculation chart obtained by the petitioner but no rejoinder to the counter affidavit has been filed. On the contrary, State counsel referring to Rule 37 of the Bihar General Provident Fund Rules submits that any discrepancy in the payment of the GPR or computation of interest in such payment ought to have been brought to the notice of the authority within 06 months of its authorization/payment. The same having not been done, the writ petition has been filed.

Considering the facts and circumstances of the case as also the submissions of the parties in my view, no direction can be issued for payment of the dues as claimed under the head GPF.

The application is dismissed.

Dismissal of this application, however, not preclude the petitioner from raising a grievance with respect to the discrepancy, if any, in calculation of interest before the appropriate competent authority for consideration and disposal in accordance with law.

(Kishore Kumar Mandal, J)

Shyam/-

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