

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16998 of 2012

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Deo Sundar Paswan, Son of Late Saudagar Paswan, resident of Plot No. U-449, Mohalla Kankarbagh, Police Station- Kankarbagh, Patna, District- Patna. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Police Station- Sachiwalaya Thana, Patna, District- Patna.
2. The Bihar State Housing Board, through Its Managing Director, 6 Birchand Patel Road, Police Station- Sachiwalaya Thana, Patna, District- Patna.
3. The Managing Director, Bihar State Housing Board, 6 Birchand Patel Road, Police Station- Sachiwalaya Thana, Patna, District- Patna.
4. The Chief Accounts Officer, Bihar State Housing Board, 6 Birchand Patel Road, Police Station- Sachiwalaya Thana, Patna, District- Patna.
5. The Accounts Officer, Bihar State Housing Board, 6 Birchand Patel Road, Police Station Sachiwalaya Thana, Patna, District- Patna.
6. The Regional Employee's Provident Fund Commissioner, Bihar Patna, Police Station Sachiwalaya Thana, Patna District- Patna.

..... Respondents

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Appearance :

For the Petitioner/s : Mr. Siya Ram Sahi, Advocate
For the Respondent/s : Mr. Harish Kumar, GP-32
For Respondent Nos. 2 to 5 : Mr. Anshuman Singh, Advocate
For Respondent No. 6 : Mr. Jai Prakash Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

7 28-06-2016 Heard learned counsel for the petitioner and the Housing Board.

The petitioner joined the Bihar Housing Board, Patna as Assistant Engineer in 1974. He retired from the post of Chief Engineer from the Board's headquarter at Patna on 31.05.2001.

The petitioner submits that he received the balance of the EPF amount on 12.05.2012 without any statutory interest. He submits that he was entitled to statutory interest on the aforesaid

amount on the day, it became due for payment. According to the petitioner, he is entitled for interest to the said amount from 2001.

The Housing Board in the counter affidavit stated that the petitioner was himself the drawing and disbursing officer and he did not choose to send the deductions to the Employees Provident Fund Department, the loss of interest would be attributable to him.

The petitioner in reply submits that it was the responsibility of the accounts Section to make the deductions and send the same to the Employees Provident Fund Department.

In my view, if the deductions have not been timely sent to the Employees Provident Fund Department, the petitioner cannot be faulted. It is further not in dispute that the deductions were made from the salary of the petitioner.

In view of the above, the Housing Board is directed to pay the statutory interest on the unpaid amount of Rs.34,084/- to the petitioner expeditiously within a period of two months from the date of receipt of a copy of this order.

With the aforesaid direction, the writ application is allowed.

(Samarendra Pratap Singh, J.)

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