IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1381 of 2015

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Sheopujan Sahay, son of late Alku Sahay, resident of village- Sahwazpur (Dhawa), P.O.- Injore, Police Station- Mehandia, District- Arwal Pin Code-804428.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Vikas Bhawan, Secretariat, Patna.
2. The Director, Secondary Education.
3. The Director, Provident Fund, Directorate, Provident Fund, Pant Bhawan, Bailey Road, Patna.
4. The Collector, Jehanabad, District- Jehanabad.
5. The Collector, Arwal, District- Arwal.
6. The District Provident Fund Officer, Jehanabad, District- Jehanabad.
7. The District Programme Officer (Establishment) Arwal, District- Arwal.
8. The Headmaster, High School Mali, Karpi (Arwal).
9. The Headmaster, High School Injore, Arwal.
10. The Treasury Officer, Arwal, District- Arwal.
11. The Project Incharge, T.C.S. Finance Department, Bihar, Patna.
12.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Sharma, Advocate

For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 21-12-2016

Pursuant to the order dated 14.12.2016, the District Provident Fund Officer, Jehanabad is personally present in the Court. A supplementary counter-affidavit has also been filed on his behalf.

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2. This writ petition has been filed by the petitioner for directing the respondents to make payment of provident fund amount along with statutory interest admissible under GPF Rules.

3. It has been contended by the learned counsel for the petitioner that the petitioner retired on attaining the age of superannuation on 31.07.2011 as Assistant Teacher from Injore High School. During his entire service career, the respondents deducted monthly provident fund amount from his salary and deposited in the GPF account regularly and properly. After retirement, the petitioner was paid only part payment of GPF amount and certain amount under the head of GPF along with interest was retained by the respondents without any rhyme and reason. It has been further contended that several representations were filed in this regard before the respondents but they went unheaded.

4. In the supplementary counter-affidavit filed on behalf of District Provident Fund Officer, Jhehanabad, it has been contended that after obtaining Acquittance Roll of certain period of the petitioner from the District Programme Officer (Establishment), Arwal, the entire amount of the petitioner has been recompiled taking into account the balance upto 1985-86 and credits/debits

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relating to the period 1986-87 to the last deduction including arrear deposit in GPF with admissible interest accrued thereon from the date it became due till 31.12.2016 and thereafter, residual balance has been authorized by the District Provident Fund Officer on 17.12.2016. A detailed chart of the interest computed till 31.12.2016 under the head of GPF of the petitioner has also been brought on record as Annexure- D series to the supplementary counter-affidavit filed on behalf of respondent no. 6.

5. On the basis of the aforesaid assertions made in the supplementary counter-affidavit, Mr. Kumar Manish, learned counsel for the State submits that the entire amount including the arrear deposit has been authorized for payment to the petitioner.

6. In reply, learned counsel for the petitioner submits that there appears to be some calculation mistake in the computation chart brought on the record.

7. The District Provident Fund Officer, Jehanabad, who is personally present in the Court, has clarified the doubts raised by the learned counsel for the petitioner.

8. I have heard respective counsel for the parties and perused the materials available on record.

9. In view of the fact that the account of the petitioner has been compiled taking into account the balance upto

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1985-86 and credits/debits relating to the period 1985-86 to the last deduction including the arrear deposit in GPF with admissible interest accrued thereon from the date it became due till 31.12.2016, this Court is of the opinion that since all admitted dues has already been paid to the petitioner, the omission or miscalculation of any interest amount as claimed by the petitioner can only be brought out in appropriate civil proceedings where the claim would be adjudicated on evidence being led by the parties.

10. I am, thus, of the considered view that no mandamus can be issued in respect of any disputed amount of interest and the petitioner has to take recourse to appropriate civil remedy for redressal of his grievances.

11. The writ application is, however, disposed of with a direction to the respondents to pay the authorized residual balance, if already not paid, forthwith and with liberty to the petitioner to file civil suit in respect of any other claim. The parties are left to bear their own cost.

(Ashwani Kumar Singh, J.)

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AFR/NAFR	NAFR
CAV DATE	…
Uploading Date	23.12.2016
Transmission Date	

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