

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.858 of 2015

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Basant Kumar Pathak Son of Late Pt. Kumar Dutta Pathak, resident of Wasilpur,
P.O. + P.S. + District- Arwal

.... 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, Government of Bihar, Patna.
3. The Director, Provident Fund, Directorate, Provident Fund, Pant Bhawan, Bailey Road, Patna.
4. The Collector, Jehanabad.
5. The Collector, Arwal.
6. The District Provident Fund Officer, Jehanabad, District- Jehanabad.
7. The District Programme Officer, Establishment, Arwal, District- Arwal.
8. The Headmaster, G.A. High School, Arwal.
9. The Treasury Officer, Arwal, District- Arwal.

.... Respondents

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Appearance :

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

For the Respondent/s : Mr. R.S. Singh, AC to AAG-7

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-12-2016

In the present writ application, the petitioner has prayed for a direction be issued to the respondents to make payment of 12.50 percent rate of interest over the amount of GPF in terms of Resolution No. 4148 and 4193 dated 13.07.1985 and release Rs.



40,000/- with up-to-date statutory interest as per GPF Statutory Rules.

2. It is submitted by the learned counsel for the petitioner that the petitioner retired as Assistant Teacher from G.A. High School, Arwal on attaining the age of 62 years on 31st August, 2013. While he was in service, monthly deduction was made from his salary and deposited in the GPF account. After retirement, he received his retiral benefits, but the interest over the GPF amount deposited in his account was not calculated at the statutory rate of interest for the period 1985-86 to 1998-99.

3. A counter affidavit has been filed on behalf of the respondent no. 6 in this case wherein, it has been stated that the entire amount of retiral benefits with statutory interest accrued thereon has already been authorized and paid to the petitioner as back as in October, 2013. As far as claim of the petitioner to pay interest at the rate of 12.50 percent is concerned for the period 1985-86 to 1998-99, it is stated that the said rate of interest was not admissible. It is further stated that since the petitioner had drawn Rs. 40,000/- as refundable advance, the said amount was recovered in twenty-four installments.

4. Learned counsel for the State has contended that the writ petition is fit to be dismissed simply on the ground that the



entire GPF amount with admissible interest accrued thereon has already been authorized and paid to the petitioner.

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

6. There is nothing on record on the basis of which it can be said that for the period 1985-86 to 1998-99, the petitioner was entitled to receive interest at the rate of 12.50 percent over the amount deposited in his GPF amount. The contention of the learned counsel for the State is that at the relevant time, the amount of interest admissible to the petitioner was 10.50 percent and the same has been calculated and paid to the petitioner, which is not under dispute.

7. In view of the stand of the State that the account of the petitioner has been compiled taking into account the balance for the period 1985-86 to 1998-99 and credits/debits relating to the aforesaid period to the last deduction in the GPF account with admissible interest accrued thereon from the date it became due till 31st August, 2013, this Court is of the opinion that since all admitted dues have 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.



8. 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 of appropriate civil remedy for redressal of his grievance.

9. Accordingly, the writ application is dismissed with liberty to the petitioner to file civil suit in respect of claim. The parties are left to bear their own cost.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	-----
Uploading Date	09.01.2017
Transmission Date	-----

